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# BANNING THE IMPORTATION OF ASSAULT WEAPONS AND CERTAIN ACCESSORIES INTO THE UNITED STATES

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## HEARING

BEFORE THE

SUBCOMMITTEE ON TRADE

OF THE

COMMITTEE ON WAYS AND MEANS
HOUSE OF REPRESENTATIVES

ONE HUNDRED FIRST CONGRESS

FIRST SESSION

ON

## H.R. 1154

A BILL TO PROHIBIT THE IMPORTATION OF ASSAULT WEAPONS AND CERTAIN ACCESSORIES

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APRIL 10, 1989

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# CONTENTS

Page
Press release of Thursday, March 23, 1989, announcing the hearing 2
H.R. 1154, test 4

## WITNESSES

Bureau of Alcohol, Tobacco and Firearms, U.S. Department of the Treasury, Daniel M. Hartnett, Associate Director, Law Enforcement 26

American Shooting Sports Coalition, Emanuel Kapelsohn 62
Arapahoe County Sheriff's Department, Littleton, Colo., Sheriff Patrick J. Sullivan, Jr 37
Baltimore County Maryland Police Department, Col. Leonard J. Supenski 34
Citizens Committee for the Right to Keep and Bear Arms, John M. Snyder 76
Fraternal Order of Police, Dewey Stokes 54
National Rifle Association, Institute for Legislative Action, David W. Conover 67
Stark, Hon. Fortney Pete, a Representative in Congress from the State of California 17

## SUBMISSIONS FOR THE RECORD

Ellis Mercantile Co., Los Angeles, Calif., John E. Ferris, letter 97
Handgun Control, Inc., Phillip C. McGuire, statement 98
National Coalition To Ban Handguns, statement 101
National Council for a Responsible Firearms Policy, Inc., David J. Steinberg, statement 102
Rangel, Hon. Charles B., a Representative in Congress from the State of New York, statement 103
Schulze, Hon. Dick, a Representative in Congress from the State of Pennsylvania, statement 106
Sturm, Ruger & Co., Inc., Stephen L. Sanetti, Southport, Conn., letter and attachments 107

# BANNING THE IMPORTATION OF ASSAULT WEAPONS AND CERTAIN ACCESSORIES INTO THE UNITED STATES

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MONDAY, APRIL 10, 1989

House of Representatives,
Committee on Ways and Means,
Subcommittee on Trade,
*Washington, DC.*

The subcommittee met, pursuant to call, at 2 p.m., in room B-318, Rayburn House Office Building, Hon. Sam M. Gibbons (chairman of the subcommittee) presiding.

[The press release announcing the hearing and the bill, H.R. 1154, follow:]

FOR IMMEDIATE RELEASE
THURSDAY, MARCH 23, 1989

SUBCOMMITTEE ON TRADE #7
COMMITTEE ON WAYS AND MEANS
U.S. HOUSE OF REPRESENTATIVES
1102 LONGWORTH HOUSE OFFICE BLDG.
WASHINGTON, D.C. 20515
TELEPHONE: (202) 225-1721

# THE HONORABLE SAM M. GIBBONS (D., FLA.), CHAIRMAN, SUBCOMMITTEE ON TRADE, COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, ANNOUNCES A PUBLIC HEARING ON H.R. 1154, BANNING THE IMPORTATION OF ASSAULT WEAPONS AND CERTAIN ACCESSORIES INTO THE UNITED STATES

The Honorable Sam M. Gibbons (D., Fla.), Chairman of the Subcommittee on Trade, Committee on Ways and Means, U.S. House of Representatives, today announced a public hearing on H.R. 1154, a bill to ban the importation of designated assault weapons and certain accessories into the United States. This bill was introduced on February 28, 1989, by Chairman Gibbons and cosponsored by Mr. Rangel (D., N.Y.), Mr. Guarini (D., N.J.), and others. The hearing will be held on Monday, April 10, 1989, in room B-318 Rayburn House Office Building, beginning at 2:00 p.m. Testimony will be received from invited witnesses only.

The purpose of the hearing is to receive testimony on whether certain designated assault weapons should be permanently banned from importation into the United States. Because of their widespread availability and low cost, these semi-automatic weapons have fast become a "weapon of choice" among drug dealers and other criminal elements. Currently, the Bureau of Alcohol, Tobacco and Firearms (BATF) has well over 110,000 semi-automatic assault-type weapons for which import permission is pending.

The hearing will focus on how a ban would impact the overall availability of these weapons for sale and use in the United States. A full range of administrative and enforcement issues will be covered, including the Administration's March 14, 1989, temporary suspension of certain assault weapons imports, pending a decision on whether these weapons are, as required by law, "particularly suitable for, or readily adaptable to sporting purposes." The immediate effect of this administrative action is to suspend indefinitely the importation of over 110,000 semi-automatic, assault-type weapons for which import permissions are pending with BATF. This total reflects a major surge in potential imports, compared with a total of 88,000 such imports during the period 1986-1988. Under the Gun Control Act of 1968, the Department of the Treasury may approve importation of firearms for private citizens only when the weapons are "generally recognized as particularly suitable for, or readily adaptable to sporting purposes."

The Subcommittee will also consider the import provisions contained in H.R. 1190, a bill introduced by the Honorable Fortney H. Stark (D., Calif.), currently pending before the Subcommittee. In addition to banning imports, this measure would also prohibit domestic manufacture and prescribe registration procedures for possession and transfer of semi-automatic weapons and large capacity ammunition feeding devices.

DETAILS FOR SUBMISSION OF WRITTEN COMMENTS:

Any interested person or organization may file written comments for inclusion in the printed record of the hearings. Persons submitting written comments for the printed record should submit at least six (6) copies of their comments by the close of business, Friday, April 21, 1989, to Robert J. Leonard, Chief Counsel, Committee on Ways and Means, U.S. House of Representatives, 1102 Longworth House Office Building, Washington, D.C. 20515. If those filing a written statement for the record of the printed hearing wish to have their statements distributed to the press and the interested public at the hearing, they may provide 75 additional copies for this purpose to the Subcommittee office, room 1136 Longworth House Office Building, prior to the start of the public hearing.

SEE FORMATTING REQUIREMENTS BELOW:

Each statement presented for printing to the Committee by a witness, any written statement or exhibit submitted for the printed record or any written comments in response to a request for written comments must conform to the guidelines listed below. Any statement or exhibit not in compliance with these guidelines will **not** be printed, but will be maintained in the Committee files for review and use by the Committee.

1. All statements and any accompanying exhibits for printing must be typed in single space on legal-size paper and may not exceed a total of 10 pages.
2. Copies of whole documents submitted as exhibit material will not be accepted for printing. Instead, exhibit material should be referenced and quoted or paraphrased. All exhibit material not meeting these specifications will be maintained in the Committee files for review and use by the Committee.
3. Statements must contain the name and capacity in which the witness will appear or, for written comments, the name and capacity of the person submitting the statement, as well as any clients or persons, or any organization for whom the witness appears or for whom the statement is submitted.
4. A supplemental sheet must accompany each statement listing the name, full address, a telephone number where the witness or the designated representative may be reached and a topical outline or summary of the comments and recommendations in the full statement. This supplemental sheet will not be included in the printed record.

The above restrictions and limitations apply only to material being submitted for printing. Statements and exhibits or supplementary material submitted solely for distribution to the Members, the press and public during the course of a public hearing, may be submitted in other forms.

* * * * * * * * * * *

101st CONGRESS
1st Session

# H. R. 1154

To prohibit the importation of assault weapons and certain accessories.

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IN THE HOUSE OF REPRESENTATIVES

February 28, 1989

Mr. Gibbons introduced the following bill; which was referred to the Committee on Ways and Means

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# A BILL

To prohibit the importation of assault weapons and certain accessories.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act shall be known as the "Assault Weapon Import Control Act of 1989".

## SEC. 2. PROHIBITION ON IMPORTATION OF ASSAULT WEAPONS AND ACCESSORIES.

(a) In General.—Except as provided in subsection (b), the importation into the United States of any assault weapon, large-capacity magazine, or large-capacity ammunition belt is prohibited.

(b) EXCEPTIONS.—The prohibition under subsection (a) does not apply to any importation under the authority of the United States, by any department or agency of the United States, or by any department or agency of any State or political subdivision thereof.

**SEC. 3. ADMINISTRATION.**

(a) DESIGNATION OF ASSAULT WEAPONS.—The Secretary shall designate any semiautomatic firearm (not listed as an assault weapon under subsection (b)) as an assault weapon if the Secretary determines, after notice and opportunity for hearing, that the firearm was specifically or primarily designed as a military or law enforcement armament, regardless whether the firearm (with or without modifications) is commercially marketed for any other use.

(b) LIST.—The Secretary shall prepare and periodically update a list of assault weapons that are subject to the import prohibition in section 2(a). Listed assault weapons shall be identified by such means (including, but not limited to, brand name, common name, manufacturer's name, design type, or in such other manner considered appropriate by the Secretary) that will clearly indicate to the public the weapons that are subject to the prohibition in section 2(a). The Secretary may also include in the list the brand name or other appropriate identification of large capacity magazines and large-capacity ammunition belts that are subject to such import prohibition. The Secretary shall widely distribute copies of lists prepared under this subsection to the public.

(c) EMERGENCY ORDERS.—The Secretary may issue an emergency order, having an effective period for not longer than 90 days, barring importation of any semiautomatic firearm which the Secretary has reason to believe meets the criteria for designation as an assault weapon under subsection (a).

(d) EXCEPTIONS TO DESIGNATION.—Notwithstanding any provision of this Act, a semiautomatic firearm may not be designated as an assault weapon under subsection (a) if such firearm—

(1) does not employ fixed ammunition;

(2) was manufactured before 1899;

(3) operates manually by means of a bolt, lever, slide, or similar action;

(4) is a single shot weapon;

(5) is a multiple barrel weapon;

(6) is a weapon, other than a shotgun, having a revolving cylinder;

(7) employs a fixed magazine with a capacity of 10 rounds or less;

(8) cannot employ a detachable magazine or ammunition belt with a capacity greater than 10 rounds; or

(9) is modified so as to render it permanently unserviceable or to make it permanently a device which may not appropriately be designated as an assault weapon.

(e) PERIODIC REVIEW.—The Secretary, in consultation with the Attorney General, shall undertake a review of the types and kinds of semiautomatic firearms that are being manufactured in the United States and abroad and on the basis of such review—

(1) recommend to the Congress such modifications to the specification of assault weapons under section 4(2) as the Secretary considers appropriate; and

(2) take such action under section 3(a) as the Secretary considers appropriate.

## SEC. 4. DEFINITIONS.

For purposes of this Act:

(1) The term "assault weapon" means—

(A) any weapon referred to in paragraph (2);

(B) any semiautomatic firearm designated as an assault weapon by the Secretary under section 3(a); or

(C) any version of any semiautomatic firearm referred to in paragraph (2) or designated under section 3(a), including any semiautomatic firearm that—

(i) has the same name as any firearm so referred to or designated, or

(ii) however named, is substantially the same kind of firearm as any firearm so referred to or designated.

(2) The following are assault weapons for purposes of paragraph (1)(A):

(A) Avtomat Kalashnikov semiautomatic firearms.

(B) Uzi semiautomatic firearms.

(C) M-10 or 11 semiautomatic firearms.

(D) TEC 9 and TEC 22 semiautomatic firearms.

(E) Ruger Mini 14 semiautomatic firearms.

(F) AR-15 semiautomatic firearms.

(G) Beretta AR 70 semiautomatic firearms.

(H) FN-FAL and FN-FNC semiautomatic firearms.

(I) Steyr Aug semiautomatic firearms.

(J) H and K 91/93/94 semiautomatic rifles.

(K) USAS-12 shotguns.

(L) Street Sweeper and Striker 12 revolving cylinder shotguns.

(M) Any other semiautomatic firearm with a fixed magazine capacity exceeding 10 rounds.

(N) Any other shotgun with a fixed magazine, cylinder or drum capacity exceeding 6 rounds.

(3) The term "large-capacity magazine" means—

(A) a box, drum, or other container which holds, or which may be readily converted to hold, more than 10 rounds of ammunition to be fed continuously into a semiautomatic firearm;

(B) any combination of parts from which any container referred to in subparagraph (A) can be assembled; or

(C) any part specifically designed for use in assembling any such container.

(4) The term "large-capacity ammunition belt" means—

(A) a belt or strip which holds, or which may be readily converted to hold, more than 10 rounds of ammunition to be fed continuously into a semiautomatic firearm;

(B) any combination of parts from which a belt or strip referred to in subparagraph (A) can be assembled; or

(C) any part specifically designed for use in assembling any such belt or strap.

(5) The term "Secretary" means the Secretary of the Treasury.

(6) The term "semiautomatic firearm" means a weapon that utilizes the force of a fired cartridge to extract the case of such cartridge and to chamber the next cartridge, but requires a separate pull of the trigger to fire such next cartridge.

## SEC. 5. EFFECTIVE DATE.

This Act takes effect on the 30th day after the date of the enactment of this Act.

Chairman GIBBONS. Good afternoon, ladies and gentlemen. Today the Subcommittee on Trade is holding a hearing to consider legislation which would permanently ban the importation of semi-assault-type weapons and large-capacity magazines into the United States.

In recent months, the national debate on possible restrictions on the manufacture, importation, sale and use of these weapons has taken on a new urgency as a result of the growing threat these weapons pose to the public safety and welfare of all Americans, a threat recognized by officials from the Bush administration, who recently imposed, then subsequently extended a temporary ban on all assault weapon imports, a threat which is being addressed by State legislatures and city governments throughout the Nation by the imposition of restrictions on the sale and the use of assault weapons, a threat to ordinary American citizens who have been affected by violence in their communities due to the availability, cheap availability and easy availability of these weapons, a threat to law enforcement officers from both the inner city and suburban America—law enforcement officials who find themselves increasingly outgunned by criminals using these weapons.

I believe the sudden and dramatic rise in imported assault weapons has contributed to these problems. The Bureau of Alcohol, Tobacco, and Firearms' statistics indicate a dramatic increase in the import of these weapons from the period of 1985 to 1988. The total import is approximately 88,000 weapons. For the first quarter of 1989 alone, BATF has over 110,000 import permissions pending.

As my colleagues well know, my overriding goal as chairman of the Ways and Means Subcommittee on Trade has been to expand international trade and investment by keeping markets open, free and competitive. I usually oppose trade restriction and economic use of sanctions. However, I find the continued unchecked importation of semiautomatic assault-type weapons into the United States totally unacceptable.

The implications of banning assault-type weapons imports are not one dimensional. They extend beyond purely economic issues to a range of social and safety concerns.

It is an issue, therefore, that requires informed debate and action by the subcommittee. I intend to move this legislation as quickly as possible through the subcommittee and would very much like to bring a bill such as the one we have here unamended to the floor.

Many people have asked why this bill goes no further than it does. Well, the jurisdiction of the Ways and Means Committee is limited to imports. Therefore, we are going to restrict our discussions of this bill to imports. There will be lots of suggestions as to how it can be modified, but that is not for this committee to do.

I hope we will send it to the Rules Committee in the present form. And if they want to add more amendments to it, fine, that is up to them. We can vote on them on the Floor.

[Mr. Guarini submitted the following opening statement:]

FRANK J. GUARINI
14TH DISTRICT
NEW JERSEY

COMMITTEE ON WAYS AND MEANS

SUBCOMMITTEE ON TRADE

COMMITTEE ON BUDGET

SELECT COMMITTEE ON
NARCOTICS ABUSE AND CONTROL

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April 10, 1989

OPENING STATEMENT - TRADE SUBCOMMITTEE ASSAULT GUN HEARING

Good afternoon, Mr. Chairman, ladies and gentlemen.

We're here today to take a serious look at the new weapons which are fueling the urban arms race.

These assault weapons, the Uzi, AK-47 and others, have become the newest and most destructive symbols of power among drug dealers and traffickers. According to police reports around the country, they are rapidly becoming the "weapon of choice" of drug dealers, and are shockingly widespread among children as young as 11 who fall into the drug trade.

Let me share with you the attitudes of several D.C. youth, printed in this weekend's Washington Post. One teenage drug dealer, who said he sometimes sold $2300 worth of drugs per day at his DC apartment, said,"I'm going to buy an Uzi. I love them guns. They have more bullets."

A DC prosecutor reports that two of his clients, both 11 years old, carry a pump shotgun while selling crack for a dealer. When asked if they would obey orders to shoot, they said, "Yeah, I don't want to be taken for a chump." You and I might remember a time when we proved ourselves to our own gangs - not with firearms but with a good old-fashioned fistfight.

In a third case, a 14-year-old boy murdered two men with a semiautomatic pistol at point-blank range. He did it because he was working for a 24-year-old dealer who wanted the first victim's auto transmission, and the second victim's money. A police witness said later, "It's a rite of passage...Killing is now a way for them to get a name for themselves."

These three cases represent a new and stunningly lethal element: that of the young drug criminal, armed with military hardware and unmindful of the basic value of human life.

In view of this, should we allow assault guns to be bought with the same convenience as a quart of milk?

Do we need to add fuel to the fire?

Does our constitutional right to bear arms prevent us from imposing reasonable controls on unreasonable weapons?

I encourage you to seriously consider these problems as we examine the testimony of today's witnesses.

# Statement on Semiautomatic Assault Weapons
U.S. Representative Frank J. Guarini
April 4, 1989

I believe that we should be able to safely walk the streets and neighborhoods of Jersey City, and every other American town, without being threatened by drug criminals.

Our kids should be able to play outside without being seduced into the drug trade; our elderly should live in an environment where bullets don't whistle through windows; and neighborhood families ought to reclaim control of their own communities.

The way to achieve this is to prevent drug criminals from legally purchasing "assault weapons" - Uzis, AK47s and the like - which are designed not for sport or hunting purposes, but for killing people. Although I have fought for years to keep such weapons out of the market, those opposed to gun control have used their considerable clout to block such legislation. Until recently, President Bush had sided with this group.

On March 14, however, light burst through the clouds: the Bush administration announced a temporary ban on the importation of about 80% of the semiautomatic assault weapons entering the U.S. Next, Colt Industries announced that they would stop sales of their lucrative AR15 semiautomatic rifle to the public. Although the ban is temporary and omits about 20% of assault weapon imports it represents a significant breakthrough in Administration policy and brightens the prospects for our "war on drugs." I have written President Bush to express my support for the ban and to encourage him to make it permanent and comprehensive.

The "war on drugs", like any serious battle, requires commitment and sacrifice. Until now, political rhetoric has far outweighed action and progress to free society of drugs. The suspension of assault weapon imports hints that Bush is more reasonable and independent than we had suspected; and Colt's sacrifice of real profits shows that the private sector can in fact operate on the principle of social responsibility rather than strictly profit. Now if politicians can stand up for what they believe, and individual gun collectors and hunters can sacrifice a few gun models from their collections, America will have made a real beginning - although we have far to go - in the "war on drugs."

EWS RELEASE NEWS RELEASE NEWS RELEASE NEWS RELEA

**News Release From**

**Congressman**

# Frank Guarini

**New Jersey — 14th District**
2458 Rayburn Building • Washington, DC 20515
(202) 225-2765

FOR IMMEDIATE RELEASE
March 28, 1989

Contact: Ken Rivlin
202/225-2765

## GUARINI URGES PERMANENT BAN ON SEMIAUTOMATIC ASSAULT WEAPONS

Washington, D.C. -- In response to the Administration's decision to impose a temporary ban on selected semiautomatic weapons, U.S. Representative Frank J. Guarini (D-N.J.) today sent a letter to George Bush urging him to permanently ban all imports and domestic manufacture of semiautomatic assault weapons not appropriate for sporting purposes.

Guarini, a senior member of the House Narcotics Committee, called the ban "a vital first step toward our ultimate goal of breaking the link between guns and drug violence."

Guarini was joined in his statement to the President by seven other Representatives, including Charles B. Rangel (D-N.Y.), James A. Traficant (D-O.H.), Walter E. Fauntroy (D-D.C.), Edward F. Feighan (D-O.H.), James H. Scheuer (D-N.Y), Nita M. Lowey (D-N.Y.), and Kweisi Mfume (D-M.D.).

George Bush has initiated high-level talks with Attorney General Dick Thornburgh, national drug policy director William J. Bennett, Treasury Secretary Nicholas F. Brady, and U.S. Customs Service Director Stephen E. Higgins to explore further action on the use of firearms in drug-related violence.

"Our hope is that George Bush will see things our way. We need to get assault weapons off our streets and make our neighborhoods safe again," Mr. Guarini said.

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FRANK J. GUARINI
14TH DISTRICT
NEW JERSEY

COMMITTEE ON WAYS AND MEANS
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NARCOTICS ABUSE AND CONTROL

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March 28, 1989

The Honorable George Bush
President of the United States
The White House
Washington, DC 20500

Dear Mr. President:

In light of your Administration's upcoming discussions of firearm policy, we want to commend you for your recent decision to suspend imports of semiautomatic assault weapons. This action is a vital first step toward our ultimate goal of breaking the link between guns and drug violence.

Colt Industries' subsequent suspension of AR15 semiautomatic rifle sales is a clear sign that private industry supports your move, and represents a potent force behind the war on drugs.

As you know, legislation has been introduced in Congress to permanently ban all imports and domestic manufacture of semiautomatic assault weapons. We hope that we can count on your full support of such initiatives, which treat these guns - those most often used by drug dealers, violent criminals and terrorists - in the same manner as machine guns under current law.

Again, Mr. President, we strongly support your action, and are eager to continue fighting together in the war on drugs.

Sincerely,

Frank J Guarini
Frank J. Guarini
Member of Congress

Charles B. Rangel
Charles B. Rangel
Member of Congress

(D-17, OH)
James A. Traficant, Jr.
Member of Congress

Walter E. Fauntroy
Walter E. Fauntroy
Member of Congress

Edward Feighan
Edward F. Feighan
Member of Congress

James H. Scheuer
Member of Congress

Nita M. Lowey
Nita Lowey
Member of Congress

Kweisi Mfume
Kweisi Mfume
Member of Congress

cc: William J. Bennett

Chairman **Gibbons**. Our first witness this morning is our own colleague, Congressman Fortney—we better call him Pete Stark—who is the principal sponsor of a bill that is more extensive than the one we have before us.

Mr. Stark, why don't you proceed as you wish. Go right ahead.

## STATEMENT OF HON. FORTNEY PETE STARK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. **Stark**. Thank you very much, Mr. Chairman. I support and am pleased to be a cosponsor of your bill, H.R. 1154. I would like to, whether the bill comes to full committee or indeed if it is in the jurisdiction of the subcommittee at your subcommittee markup, offer a simple amendment which is within the jurisdiction of the Ways and Means Committee, which would then take and make your bill in effect the Ways and Means portion of our bill 1190, which has 70 or 80 bipartisan cosponsors.

Chairman **Gibbons**. Certainly that would be all right with me, Mr. Stark.

Mr. **Stark**. It may or may not pass. I would not want to prejudice your bill because I think it is very clear that the President and others agree that we should ban the import.

The thrust of H.R. 1190 is to deal with these weapons which are being imported. I think that our identification of these guns, the definition, which is a problem. We have worked months, I think 6 or 8 months. I am trying to work with a variety of groups to make sure we don't overburden the definition, and we leave flexibility in the hands of the Secretary to add other weapons, because somebody will design around them.

You will hear testimony today that all weapons are the same. I assume that is true since the first smooth bore cannon. The point is, creative armament engineers can design around definitions we may make.

I think your bill and ours tends to preclude that. We classify in our bill these same weapons under the Machine Gun Act, which does require a $200 fee, which is under the jurisdiction of the Ways and Means Committee, a background check for a prospective purchaser, which is supported generally by the law enforcement community, and the registration of existing semiautomatic weapons which would be classified under the Machine Gun Act.

All of these items would compromise, I think, the totality of our Ways and Means jurisdiction. Because you are taking a lead in this, it has occurred to me there is no sense going over this ground more than once; and at the appropriate time with the indulgence of you and Members of your subcommittee and the full committee, I would hope to offer those amendments, and we will see whether the committee, let the committee work its will.

Chairman **Gibbons**. Why don't we sit down, Mr. Stark, and try to work out your amendments, make sure the parliamentarian agrees with us on that. I don't mind going a little past what he will agree to, but I don't want to rush off and get our bill——

Mr. **Stark**. I don't, either. The Judiciary Committee is working on this, and they are moving ahead. They have had 2 full days of hearings. There is a clear separation there, and I don't think there is any intention of trying to do anything but following the jurisdictional lines as closely as we can.

I would like to make a couple of comments on this whole issue for my colleagues here today. As I say, this came up to us through trying last year to find a way to help some local law enforcement people put a gun dealer out of business who was found or determined to be the source of about 75 percent of the weapons in felony arrests in the city of Oakland over a 1-year period, obviously not the kind of small businessman you want to keep going within the community.

But he was operating within the law. We stumbled across a definitional problem. We asked and received support from a lot of people in trying to find a definition that would give broad latitude to people who want to have supporting arms, competitive arms and not discourage that legitimate ownership.

It appears there is a common ground on which people can coalesce and come up with a distinction as between hunting and arms and assault-type rifles. I would urge my colleagues who are in doubt, within a couple of hundred yards where we sit our Sergeant at Arms operates a training facility in the basement of the Rayburn where most of these weapons are available to be demonstrated and, indeed, I suspect even operated by the Members.

You will see a tape later today. But going to the target range or the training range for the Capitol Police and having them demonstrate them, I would urge you to do so. It is awesome, is all I can suggest to you. That is just something that may help you in your deliberations.

We have attempted at all times, asked those folks who represent the gunowners lobbies to participate with us in hopes that this would bring together some coalition and not lower the level of contention on the bill. We have not been very successful. But I do think that we have dealt pretty adequately with all of the issues that would concern people, and you come right down to whether you want to repeal the 1986 machinegun law, which by every indication has worked. It has reduced the number of machineguns available.

I think that this fire power ought to be added to that. I would like to work with the committee in any way I can be of assistance.

Thank you very much.

[The statement of Mr. Stark follows:]

# TESTIMONY OF REP. PETE STARK

## BEFORE THE SUBCOMMITTEE ON TRADE

APRIL 10, 1989

MR. CHAIRMAN,

THANK YOU FOR THE OPPORTUNITY TO ADDRESS THE COMMITTEE TODAY IN SUPPORT OF YOUR BILL, H.R. 1154. AS YOU KNOW, ON MARCH 1ST OF THIS YEAR, I INTRODUCED H.R. 1190, "THE SEMIAUTOMATIC ASSAULT WEAPONS ACT," WHICH I WORKED ON WITH MY DISTINGUISHED COLLEAGUES TOM CAMPBELL, VIC FAZIO, DON EDWARDS, AND RICK LEHMAN. TOM, VIC, DON AND RICK AND THEIR STAFFS DESERVE THE CREDIT FOR THIS BILL. THE LEGISLATION CURRENTLY HAS OVER 70 COSPONSORS.

SINCE I FIRST BEGAN DRAFTING THE LEGISLATION BACK IN EARLY SEPTEMBER, I'VE LEARNED A GREAT AMOUNT ABOUT THE NEED FOR SUCH LEGISLATION AS A MEANS FOR ASSISTING LAW ENFORCEMENT AND OUR NATIONAL 'WAR ON DRUGS', WHILE BALANCING THE LEGITIMATE, TRADITIONAL RIGHTS OF HUNTERS AND SPORTSMEN.

I'VE BEEN ENCOURAGED BY THE FORMAL RESOLUTION OF THE NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS IN FAVOR OF APPROPRIATE LEGISLATION TO BAN SUCH WEAPONS AS THE AK-47 AND OTHER ASSAULT WEAPONS.

I'VE BEEN INSPIRED BY CALLS FOR SWIFT ENACTMENT OF FEDERAL ASSAULT WEAPONS LEGISLATION BY THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE AND THE POLICE EXECUTIVE RESEARCH FORUM.

I'M PLEASED THAT THE NATIONAL SHERIFF'S ASSOCIATION HAVE ENDORSED S. 386, THE SENATE VERSION OF H.R. 1190.

MR. CHAIRMAN, A FEW WEEKS AGO, THE ADMINISTRATION TOOK A BOLD STEP IN TEMPORARILY SUSPENDING THE IMPORTATION OF FIVE IDENTIFIED ASSAULT WEAPONS, INCLUDING THE SEMIAUTOMATIC AK-47 AND THE UZI. LAST WEEK, WE SAW THE SUSPENSION EXTENDED TO INCLUDE A WIDER BAN ON IMPORTED ASSAULT WEAPONS. I APPLAUD THE ADMINISTRATION'S ACTION AS A SOLID FIRST STEP.

WHEN COLT INDUSTRIES ANNOUNCED THAT THEY WERE ENDING PRODUCTION OF THEIR COLT AR-15, A STRONG SIGNAL WAS SENT OUT TO OTHER LEADING DOMESTIC MANUFACTURERS. BANNING IMPORTATION IS IMPORTANT, BUT IT DOES NOT ADDRESS THE PROBLEM OF DOMESTIC MANUFACTURE OF ASSAULT WEAPONS. WE NEED TO DO THIS IF WE'RE GOING TO ASSIST LAW ENFORCEMENT AND OUR NATIONAL 'WAR ON DRUGS'.

MR. CHAIRMAN, 46 STATES ALLOW OVER-THE-COUNTER SALES OF THE ELEVEN IDENTIFIED SEMIAUTOMATIC ASSAULT WEAPONS LISTED IN H.R. 1190, INCLUDING THE AK-47, THE UZI, THE MAC-10, THE TEC-9 AND THE 12-ROUND SHOTGUN KNOWN AS THE "STREET SWEEPER."

"THE SEMIAUTOMATIC ASSAULT WEAPONS ACT" WOULD TREAT 11 SPECIFIC TYPES OF SEMIAUTOMATIC ASSAULT WEAPONS -- THE AK-47, THE UZI, THE MAC-10, THE TEC-9, THE COLT AR-15, THE RUGER MINI-14, THE BERETTA AR-70, THE FN-FAL, THE STEYR A.U.G., THE KOREAN USAS 12, AND THE DOMESTIC VERSION OF THE SOUTH AFRICAN 12-ROUND SHOTGUN KNOWN AS THE 'STREET SWEEPER' -- IN EXACTLY THE SAME MANNER AS CURRENT FEDERAL LAW FOR FULLY AUTOMATIC MACHINE GUNS.

WHILE SOME OTHERS WHO WILL TESTIFY TODAY ARE IN FAVOR OF REPEALING THE MACHINE GUN BAN FROM 1986 MCCLURE-VOLKMER BILL, I BELIEVE THE BAN IS WORKING, IS NEEDED, AND OUGHT TO BE EXPANDED TO INCLUDE 11 ADDITIONAL TYPES OF SEMIAUTOMATIC ASSAULT WEAPONS -- THOSE WEAPONS IDENTIFIED BY THE CALIFORNIA LAW ENFORCEMENT TASK FORCE ON ASSAULT WEAPONS AS A GROWING WEAPON OF CHOICE BY DRUG DEALERS, VIOLENT CRIMINALS, TERRORISTS, AND THE MENTALLY DISTURBED.

IN MY BILL, FUTURE IMPORTATION AND DOMESTIC MANUFACTURE OF THE 11 SPECIFIC TYPES OF SEMIAUTOMATIC ASSAULT WEAPONS WOULD BE BANNED. FUTURE PURCHASE OF EXISTING WEAPONS WOULD BE LIMITED TO THOSE WHO UNDERGO A BACKGROUND CHECK AND RECEIVE APPROVAL FROM THEIR LOCAL POLICE, PAY THE SAME $200 TRANSFER TAX AS MACHINE GUNS, AND REGISTER THEIR WEAPON WITH THE BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS.

ABSOLUTELY NO CONFISCATION IS INVOLVED.

CURRENT OWNERS WILL CONTINUE TO POSSESS AND TRANSFER THEIR SEMIAUTOMATIC ASSAULT WEAPONS AND THEIR LARGE CAPACITY AMMUNITION FEEDING DEVICES. THE ONLY WAY CURRENT OWNERS OF SEMIAUTOMATIC ASSAULT WEAPONS ARE AFFECTED IS THAT THEY MUST REGISTER THE WEAPONS WITH THE BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS.

SINCE H.R. 1190 TREATS 11 SPECIFIC SEMIAUTOMATIC ASSAULT WEAPONS IN THE SAME MANNER AS CURRENT FEDERAL LAW FOR MACHINE GUNS, THE EXACT SAME ENHANCED PENALTIES FOR CRIMES OF VIOLENCE AND DRUG TRAFFICKING CRIMES EXIST: 30 YEARS FIRST OFFENSE, NO PAROLE; MANDATORY LIFE SECOND OFFENSE, NO PAROLE. SOME SAY FOCUS ON THE WEAPON, SOME SAY FOCUS ON THE CRIMINAL. I BELIEVE WE OUGHT TO DO BOTH.

WE ALSO NEED TO BAN THE FUTURE IMPORTATION AND DOMESTIC MANUFACTURE OF LARGE CAPACITY AMMUNITION FEEDING DEVICES OF MORE THAN TEN ROUNDS. EVERY STATE REGULATES AMMUNITION USED FOR HUNTING AND SPORTING WITH APPROPRIATE MIGRATORY GAME LAWS. WHY DON'T WE DO THE SAME FOR FUTURE OWNERSHIP OF LARGE CAPACITY MAGAZINES OF MORE THAN TEN ROUNDS, MAGAZINES AND CLIPS WHICH HAVE NO OTHER PURPOSE THAN KILL LARGE NUMBERS OF HUMAN BEINGS? MY LEGISLATION BANS FUTURE IMPORTATION, DOMESTIC MANUFACTURE, AND TRANSFER ON LARGE CAPACITY AMMUNITION FEEDING DEVICES OF ELEVEN OR MORE ROUNDS OF AMMUNITION.

AS SOME OF THE LARGEST DOMESTIC MANUFACTURERS, INCLUDING STURM, RUGER HAVE ACKNOWLEDGED, WE OUGHT NOT ACCOMODATE DRUG DEALERS AND VIOLENT CRIMINALS WITH 11-, 25-, 45- OR EVEN 75-ROUND MAGAZINES. THAT IS WHY STURM, RUGER HAS TAKEN THE RESPONSIBLE, PRUDENT STEP OF HALTING PRODUCTION OF LARGE CAPACITY MAGAZINES AND CLIPS.

AND WHAT DO WE DO ABOUT THE WEAPONS OF THE DISTANT FUTURE, THE NEXT VARIATION OF THE UZI OR THE 12-ROUND SHOTGUN KNOWN AS THE 'STREET SWEEPER'? H.R. 1190 ADDRESSES THAT PROBLEM AND ALLOWS FOR THE SECRETARY OF THE TREASURY, WHOSE JURISDICTION INCLUDES THE FEDERAL BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS, TO ADD TO THE LIST OF ASSAULT WEAPONS TO BE TREATED IN THE SAME MANNER AS MACHINE GUN LAW.

THE SECRETARY IS NOT GIVEN CARTE BLANCHE' AUTHORITY. THE BILL LISTS VERY SPECIFIC CRITERIA THE SECRETARY MUST CONSIDER, INCLUDING WHETHER A RIFLE OR SHOTGUN HAS A PISTOL GRIP TO FACILITATE FROM FIRING FROM THE WAIST, WHETHER THE WEAPON HAS A THREADED BARREL TO ACCOMODATE A SILENCER, WHETHER THE WEAPON HAS A FLASH SUPPRESSOR FOR NIGHTIME SHOOTING, AND WHETHER A KIT IS AVAILABLE TO CONVERT THE WEAPON TO A FULLY AUTOMATIC MACHINE GUN.

IN NO WAY WOULD THIS LEGISLATION ALLOW FOR THE ADDITION OF FIREARMS USED FOR TRADITIONAL HUNTING, SPORTING OR HOME PROTECTION. IF SOME WASHINGTON-BASED ORGANIZATIONS BELIEVE OTHERWISE, THEN I WOULD WELCOME THEIR FORMAL RECOMMENDATIONS OF ADDITIONAL FACTORING CRITERIA WHICH WOULD DISTINGUISH SEMIAUTOMATIC ASSAULT WEAPONS FROM LEGITIMATE FIREARMS.

MR. CHAIRMAN, I'LL BE THE FIRST TO ADMIT THAT DRAFTING A BILL WHICH BALANCES LAW ENFORCEMENT'S NEED FOR EFFECTIVE FIREARMS POLICIES AND THE LEGITIMATE RIGHTS OF HUNTERS AND SPORTSMEN IS A CHALLENGING ENDEAVOR. SINCE THE BASIC PROVISIONS OF THIS LEGISLATION WERE THE RESULT OF SIX MONTHS OF WORK BY CALIFORNIA LAW ENFORCEMENT TASK FORCE, WE OUGHT TO FURTHER SEEK LAW ENFORCEMENT'S RECOMMENDATIONS ON THIS ISSUE AND OTHER FIREARMS MATTERS.

IT'S THOSE IN LAW ENFORCEMENT WHO ARE BEING OUTGUNNED BY UZIs, AK-47, MAC-10s, TEC-9s, AND AR-15s OWNED BY DRUG DEALERS AND VIOLENT CRIMINALS. FOR LAW ENFORCEMENT, THE EASY AVAILABILITY OF ASSAULT WEAPONS AND ALL OTHER FIREARMS IS A LIFE AND DEATH ISSUE. THAT FACT OUGHT TO BE THE PRIMARY REASON FOR OUR BEING HERE TODAY. I LOOK FORWARD TO HEARING TODAY'S TESTIMONY FROM LAW ENFORCEMENT ORGANIZATIONS.

I MUST SAY, THOUGH, THAT LAST DECEMBER I DID INVITE THE NATIONAL RIFLE ASSOCIATION TO ASSIST IN THE DEVELOPMENT OF SEMIAUTOMATIC ASSAULT WEAPONS LEGISLATION. REGRETTABLY, THE N.R.A. DECLINED, STATING THAT THE N.R.A. "WOULD OPPOSE RESTRICTIONS ON SEMI-AUTOMATIC FIREARMS IN WHATEVER FORM THEY APPEARED." I ALSO LOOK FORWARD TO HEARING THE N.R.A.'S TESTIMONY AND I WOULD AGAIN EXTEND MY FORMAL OFFER TO WORK WITH A BIPARTISAN GROUP OF MEMBERS DEDICATED TO ASSISTING LAW ENFORCEMENT ON THIS SPECIFIC MATTER.

MR. CHAIRMAN, I AM A STRONG SUPPORTER AND COSPONSOR OF YOUR LEGISLATION, H.R. 1154. IT'S A SOLID COMPONENT OF ANY SOLUTION TO THIS GROWING PROBLEM. I'M LOOKING FORWARD TO WORKING WITH YOU AND OTHER MEMBERS OF THIS PANEL IN DEVELOPING LEGISLATION WHICH WILL MEET THE NEEDS OF LAW ENFORCEMENT AND POLICE ORGANIZATIONS AND WHICH WILL ASSIST OUR NATIONAL 'WAR ON DRUGS'.

Chairman Gibbons. Mr. Guarini.

Mr. Guarini. I want to thank you for the initiative you have taken. I think this will add an important bylaw on the ownership of guns. I would just like to add, your bill covers not only semiautomatic, semiautomatics, but I think other guns that could be converted to fully automatic guns?

Mr. Stark. I think we name 11 guns by name, the Uzi and the AK-47. Then there are a bunch of definitional categories like how short is the barrel, and does it have a removable or folding stock to make it concealable?

I guess the length of the barrel deals with the accuracy. We spend a lot of time on the magazine capacity and deal with the magazine separately. I think they concluded if you cannot get the deer or the dove with 10 or 11 shots, it has probably outdistanced you.

The best example is the banana clips, as they are called, for the Uzi's, normally carry 30 shots. The experience, to tape a butt to butt together so a quick person could flip a 30-shot magazine and get 60 shots. Part of the definition would be those designed to handle clips with more than 10 would fit the definition of being precluded.

Barrel shrouds; it is my understanding that shooting these things very rapidly heats the barrel to the point you cannot hold the forearm part of it. They are designed largely to allow rapid shooting more than you would imagine.

Flash suppressors, designed to take silencers, designed to take bayonets, certain things that are not very useful in duck hunting, for example, are more or less considered those attributes that would define a machine that, or a weapon that was not in the sporting category.

There is an alternative to invite in the manufacturers of guns to study each weapon and have a system of an independent commission who would do the same; and I would have no objection to that, although I think the definition could be created without that.

Mr. Guarini. Can any of those semiautomatic assault weapons possibly be used for hunting sports, in your opinion?

Mr. Stark. Sure, but so could a bazooka, but you couldn't find a deer if you hit it. These guns have the same type of mechanism, but you could use a, you know, some of the cars designed for the Indy 500, you could drive around the block, but you would pay hell driving them very slowly.

It seems to me the street sweeper shotgun with a very short barrel that is designed to get out 50 or so shots of 12-gauge buckshot ~~won't hold~~ a pattern at more than, perhaps, 20 yards, but it will kill everything within 20 yards.

Mr. Guarini. You won't see sport and hunting——

Mr. Stark. I used to hunt. I could pick these up. As a matter of fact, the only reason I could ever figure for being a better shot is I could lug a lighter shotgun around. If I ever got so good that I thought I could hit a pheasant with a 410, which I can, I might. And deer hunting, you get a couple of three shots at a deer. Beyond that, if you missed, you miss.

Other than that, some of these things would make hamburger out of the venison. So I don't think—one argument the gun people use, some of them are fun to shoot. It has been a long time since I thought shooting a gun was fun, but I can see that. I can see somebody gets their kicks out of——

Mr. GUARINI. Target practice?

Mr. STARK. I have watched them blow a hole with one of these Uzi things through a cinder block wall here in the Capitol police range. Yes, maybe that is fun. The point is that under the bills that are suggested, that could still be done.

You got to pay your $200, but you got to pay a couple of hundred if you want to have a dirt bike to go racing in the hills, too. It does not preclude it. It just tries to keep the crazies, the guy in Stockton, once he was through shooting the kids, he shot himself. He wasn't going to be deterred by stronger penalties.

Mr. GUARINI. You only call for the registration and a payment of fee? You don't call for approval by the court of some authority?

Mr. STARK. There is approval by the law enforcement after the check. It is a little bit inconvenient, but it can be done by law-abiding citizens. The question is, do you trade off that little inconvenience to keep these out of the hands of lunatics?

Mr. GUARINI. Thank you very much.

Mr. THOMAS. The gentleman from California may not have a specific response to this, but perhaps the following folks who are going to testify or you can provide it for me, Mr. Stark.

In going through your bill, as opposed to the chairman's bill, in trying to identify, which is somewhat of a problem other than the specific mentioning as you do on page 3 of your bill, you have reference to the ammunition-feeding device of the magazine.

One page 3, the term semiautomatic assault weapon does not include the following: A pistol or rifle with an ammunition-feeding device capacity of 10 or fewer rounds of ammunition. A number of the specifically mentioned models on page 3 have, as you indicated, mechanisms which are identical, but in different types of rifles, or sporting rifles, a plastic wooden stock, or something.

I guess my point is, I don't believe there is a limit on the ability of these particular rifles in terms of the rounds of ammunition. The magazine is identical in its insertion point. It simply is an extension.

What you are doing is banning those magazines that are capable of holding 10 or more shells, but I don't think this is what it says.

Mr. STARK. It is my understanding—and I guess you could deal with the Uzi or the Colt 45—I suppose you could take that Colt 45 and design a magazine——

Mr. THOMAS. The 45?

Mr. STARK. The good old-fashioned Army 45 there. Some of these are specifically designed to take exterior magazines that would disqualify them.

The shotguns here, the automatic shotguns generally have a two-feed magazine——

Mr. THOMAS. I understand that. I understand the pistol would extend beyond the normal hand grip range. I don't understand it in some of the semiautomatics in which you could use a magazine of 3-shot capacity, 6-shot capacity, or 20-shot capacity, and I don't understand what you mean by that in terms of defining something in that particular way.

Mr. **Stark**. The magazines themselves are—would be legal. Those are pretty easy to make, but they are still—they would be subject to fines for possessing or importing or making those magazines.

Answering your specific question, I think I would have to get technical help I would be glad to get you the answer to that in more detail.

Mr. **Thomas**. On page 7, where the manufacturer of a weapon sells or distributes a magazine with the capacity of 11 or more rounds of ammunition produced specifically for use with the weapon, that would affect manufacturers inside the United States?

Mr. **Stark**. I would presume that is the only place we have jurisdiction. We cannot register these things in Bolivia.

Mr. **Thomas**. You import some of these rifles. Mr. Gibbons' bill would ban the importation of the rifles. But you have a section on page 8 which indicates those kinds of mechanisms, if they were unlawful prior to the passage of the legislation, are not subject to the penalties in section 3.

Then, how do you come up with the number 10 in terms of the rounds of ammunition?

Mr. **Stark**. I think that was just dealing with the weapons. I believe the new weapons that the police are being issued, these 9-millimeter pistols, take 9 or 10 shots.

Generally what was available in the market that was still considered generally weapon and not assault was, I think, 10 is the number. We could have gone to eight, I suppose. That was an arbitrary compromise.

Mr. **Thomas**. In my opinion, and I will ask some people later on in the day, the question is how many shots you can get off in a normal sporting situation. You get your first shot. You can oftentimes get a second shot off. By the time you bring the rifle back onsight, your third shot is fairly late. By the time you get up to your fourth or fifth, your target is gone.

If we are really concerned about making differences between pure sporting uses and potential antipersonnel uses, I would think that the magazine capacity would be focusing more on a level of three or four or close to five. Whether you get up to 10——

Mr. **Stark**. Actually, I suppose the—I am advised various California law enforcement agencies, starting with the attorney general, recommended the criteria we used in the 10. You can get 10 shots out in awesome time, I admit, and do a lot of damage. I am not sure.

Mr. **Thomas**. My point is if, as you indicate, you take two magazines together and you allow 10, that's 20. That begins to be a fairly high number. But if you have three to five it is different. Also in terms of the length, it is a little more difficult in terms of taping them together. By the time you get to 10, you have a decent handle and it allows you to reverse them.

If your intent is to go after those folk in terms of the kinds of weapons and the mechanisms which allow those weapons to fire the awesome fire power the key, obviously, is the mechanism feed of the bullets into the machine.

Mr. **Stark**. That is right. I would submit a skilled craftsman could take an automatic shotgun that is available from Winchester or Browning and work with it long enough to cut the barrel off, cut the stock off and do it. But that takes a lot of work, and it isn't just kind of available over the counter at your local gun store, which, I think, is what we are trying to avoid.

Mr. THOMAS. We are not trying to go after decent machinists. We are trying to go after the extraordinary fellow.

Thank you, Mr. Chairman.

Mr. GUARINI. How many of these semiassault weapons do you have, if you have any knowledge of that?

Mr. STARK. My guess is we have had about 80,000 AK-47's imported in the last several years. How many are made here, how many Colt makes, Ruger, all the rest, I would, if I had to guess, I would put it in the order of magnitude of several hundreds of thousands that are out there now.

Mr. GUARINI. I imagine there are many that have been brought in from Vietnam, Korea, from returning soldiers, that they have brought souvenirs with them, and they are still workable?

Mr. STARK. I don't know what rules are on that. It is not much of a trick to make them workable or to convert them, as a matter of fact, from semiautomatic to automatic. I am sure there are some trophies, obviously. But an inoperable trophy would seem to me to make as good a wall decoration.

As I say, it isn't going to be easy to make a fair definition. I think you gentlemen will find the same thing we did. If reasonable people want to get together, there are some weapons that offend a hunter's sense of style. They don't even look good with camouflaged booties.

There are others which are, perhaps, a close call. I am sure the committee, in its deliberation, can make that fair judgment.

In my opinion, the fair judgment is the one that will get half the votes, plus one.

Mr. GUARINI. Thank you very much.

Chairman GIBBONS. Mr. Stark, I understand you have a video tape.

Mr. STARK. I am going to let you watch that as sent to us by the California attorney general. I hope you enjoy it.

Chairman GIBBONS. Would you please dim the lights?

[At this point, a video tape was shown.]

Chairman GIBBONS. Thank you very much.

All right. Mr. Rangel, a member of our committee, has a statement that he would like to put into the record.

[The statement appears at the end of the hearing.]

Chairman GIBBONS. The next witness is Mr. Daniel Hartnett, who is the Associate Director for Law Enforcement of the Bureau of Alcohol, Tobacco, and Firearms.

## STATEMENT OF DANIEL M. HARTNETT, ASSOCIATE DIRECTOR, LAW ENFORCEMENT, BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS, U.S. DEPARTMENT OF THE TREASURY

Mr. HARTNETT. Good afternoon, Mr. Chairman. If I may, I would like to read a brief statement.

Chairman GIBBONS. Go right ahead.

Mr. **Hartnett**. I appreciate this opportunity to discuss the issue of semiautomatic rifles.

Certainly, anyone who lives and works in a major city need not be told about the random drug-related violence. Almost every night the news is filled with the sight of the latest victims and their stricken families.

Fifteen years ago, police rarely encountered armed drug dealers. Today—firearms—especially certain types of semiautomatic weapons—are status symbols and tools of the trade for this country's most vicious criminals.

Almost daily ATF special agents and other Federal, State and local police see the spread of assault-type weapons on the streets. ATF's firearms seizure reports from foreign countries such as Mexico, Colombia, and Jamaica give us a clear indication that significant numbers of assault or paramilitary-type rifles are smuggled out of the United States and used in crimes in foreign countries.

Each of us recognizes that the solution to the mounting drug-related violence must venture well beyond discussing the use of assault-type semiautomatic firearms now highly favored by drug dealers and youth gangs. It is a multifaceted problem and requires a multifaceted solution. But we have made, at least, a beginning.

Allow me to summarize the steps we have taken in the past 2 weeks. On March 14, in concert with William Bennett, Director of the Office of National Drug Control Policy and with the approval of Treasury Secretary Brady, ATF temporarily suspended some types of semiautomatic rifle imports. Those suspensions include: The AKS-type weapons, the Uzi carbine, the FN/FAL and FN/FAC semiautomatics and the Steyr Aug, a total of approximately 25 models of these 5 types. And, of course, as you know, the President expanded the temporary suspension to include 24 additional semiautomatic rifle imports.

We concluded that a temporary suspension of certain types of imported semiautomatic rifles was vital while we took the opportunity to study the question of whether these firearms meet the requirements of the law. Section 925(d) of title 18 United States Code states that the Secretary of the Treasury shall authorize the importation of a firearm into the United States if it is generally recognized as particularly suitable for, or readily adaptable to, sporting purposes. And that is exactly what we intend to determine. Do these weapons have a true sporting purpose? Are these firearms actively being used by sportsmen?

We need to determine if these types of weapons are turning our streets into war zones—or are they the rifle of the true sportsman?

ATF had previously denied import applications for the Striker 12 shotgun and the USAS 12 shotgun on the premise that they did not meet the requirements of the law. Within the past month, in a subsequent court challenge on the USAS-12 denial, ATF's decision was sustained. However, the Striker 12 is now manufactured in the United States and sold under the names of the Striker 12 and Street Sweeper.

It is ATF's responsibility to develop the data on the use of these weapons. We are conducting a study on the uses of semiautomatic weapons to determine whether such weapons are used for target shooting and hunting. We are also requiring prospective importers to provide us with proof of the legitimate sporting applications for such firearms.

At the point of suspension, there were pending applications to import over 113,000 of these 5 weapon types. We also decided to suspend those permits previously approved for the same firearms. Figures on the number of previously approved import assault-type rifles are difficult to measure.

Since the permits are valid for 6 months, many of the importers on their application forms inflate the figures intended for import. For example, an importer applies to bring 20,000 rifles into the United States. At some point, he may actually bring in 1,000 rifles and then never bring in any more rifles for the rest of his permit time. In 1988, only 6.8 percent of the firearms import requests were actually imported.

Federal law gives us no authority over the domestic production of these type of weapons. However, one of the U.S. foremost firearms manufacturers, Colt Industries, voluntarily suspended public sales of its popular AR-15, the civilian version of the M-16. I would like to take this opportunity to commend Colt for its public stand.

H.R. 825, H.R. 669, H.R. 1154, H.R. 1190, and S. 386 are existing initiatives that propose banning assault-type weapons. All of them have certain commonalities, but differ in substantial ways.

For example, H.R. 669 would require certain owners of assault-type weapons to turn in their firearms 30 days after the legislation becomes law.

H.R. 825 establishes a Firearms Evaluation Panel to assist in developing standards for assault-type weapons and for the Secretary of Treasury to designate a weapon as a semiautomatic assault weapon if it is substantially similar to a firearms-type previously banned.

ATF is particularly concerned with objective criteria to determine exactly what constitutes an assault weapon. We are hopeful, however, that objective criteria can be developed by considering several basic characteristics of the design features of the weapon in question. We will be looking at this matter further.

I'll be happy to answer your questions.

Chairman Gibbons. I know the difficulty you have in designating what is an assault-type weapon. These weapons are of basically two types. They are the gas-operated piston-type driven machine or they are recoil-type operated-type machines. But you can get anything from a three-shot shotgun to a weapon that shoots hundreds of rounds through the same mechanism.

Mr. Hartnett. Yes, sir.

Chairman Gibbons. But, I used to hunt, and always thought it was almost unfair to take advantage of a bird with a three-shot shotgun. I always shot them with single shotguns or with double-barrel guns.

So I cannot believe any red-blooded sportsman would want to get up here with one of these monsters and pump out 20, 30, 40, 100 rounds.

You could possibly, if you had a broad, open field to shoot at a jackrabbit or something like that although that defies my definition of what sportsmanship is.

When do you expect to complete this sportsmanship survey that you are doing on these weapons?

Mr. HARTNETT. We have asked for all the responses to be returned to us within 30 days. It will take us another additional 60 days to put them together and to try to make a determination.

Chairman GIBBONS. If you find that the weapons are not being used for sportsmanship or sportsmanlike purposes, you have the power under the existing law to ban them? Is that correct?

Mr. HARTNETT. Yes, sir, that is correct.

Chairman GIBBONS. Really what your power now rests upon is your own decision as to what is a sportsman-used weapon and what is not?

Mr. HARTNETT. That is correct.

Chairman GIBBONS. How many of these weapons do we have standing offshore some place to be imported into this country?

Mr. HARTNETT. There are two stages. First you apply for a permit. Then you are given a permit. Of those that have been approved, we have approximately 621,000. Of those that have applied but upon which we have not taken any action, we have another 305,000. Altogether, there are applications for the importation of 926,000 semiautomatic weapons right now.

Chairman GIBBONS. I would imagine some of them are hovering offshore some place, and some of them are held in warehouses?

Mr. HARTNETT. Yes, sir, that is correct. We have asked Customs to place a hold on those that have the approved permits.

Chairman GIBBONS. We could add in a short period of time 1 million assault-type weapons to the inventory?

Do you have any rough idea as to what the inventory is of this equipment?

Mr. HARTNETT. A rough estimate, 2 to 3 million assault-type weapons.

Chairman GIBBONS. Within a short period of time, we could double or increase by one-third the total number of weapons that are here and available?

Mr. HARTNETT. Yes, sir.

Chairman GIBBONS. Mr. Guarini?

Mr. GUARINI. I understand that we have had 84,000 applications before your bureau for the semiautomatic assault weapons up to the time the ban was put on by the President; is that correct?

Mr. HARTNETT. Yes, sir.

Mr. GUARINI. Now suddenly we have a potential of 925,000 semi-assault weapons that may enter the country that the President put the ban on, which is more than 10 times all the applications you had in prior years; is that correct?

Mr. HARTNETT. Yes, sir; that is correct.

Mr. GUARINI. Have you gotten any input from the police authorities as to their concern to any impact that these assault weapons have had on the drug war?

Mr. HARTNETT. Yes, sir; we trace about 40,000 weapons a year for police departments. The 84,000 that you talked about came in first in a group of 4,040. Then another 40,000 in each of the next 2 years. We were looking at the trace results for 1987, 1988, 1989. In each one of those years, there has been a tremendous increase in the number of those weapons used in crimes. They just about doubled each year. That caused us concern.

The price has dropped to about $250, so they will become easier to purchase in this country. In addition, these weapons are seen continually in the media—on television, in movies, in books—so they are more desirable.

Mr. GUARINI. I understand these semiautomatic assault weapons could very easily be made and turned into automatic weapons, which means one pull of the trigger and you can dispense 30 or 32 bullets, slugs, like a rain of fire power immediately? Is that correct?

Mr. HARTNETT. Some can be converted easily. Others are very, very difficult to convert.

Mr. GUARINI. Do you see these becoming more popular with the people involved in the drug trade?

Mr. HARTNETT. Yes, sir.

Mr. GUARINI. Is there a need on the west coast or is it more popular in other parts of the country?

Mr. HARTNETT. The west coast has had the most substantial increase in these types of weapons being used in crimes. In Washington, there have been very few of these types of weapons used. Mostly semiautomatic pistols are more popular here. It depends on what part of the country you are in.

Mr. GUARINI. Inasmuch as there are many thousands of guns confiscated in crimes, I understand to date there has not been a large number of these semiassault weapons that have been confiscated proportionately to hand guns and other kinds of weapons. How do you account for that, or is it the threat of the large importation that concerns the authorities?

Mr. HARTNETT. I see a number of reasons; many are brought into this country and then illegally exported to Mexico. They have had very large seizures in Mexico. Of the total weapons, we saw about 3,000 of these weapons the first year. And then each year after that, it grew another thousand, or actually it grew about twice as much.

It went from 2,000 to 4,000 used in crimes in the period of 1 year. That in itself is not a substantial number if you are looking at the original four, forty, forty, but it is increasing, it is doubling, the numbers.

The Mexican thousands have doubled. Their seizures are 200, 300, 400, so they have got some large seizures down there.

Mr. GUARINI. Do we have any idea of how many weapons are brought in illegally by members of the armed services as souvenirs from the various wars that we have had and whether or not this constitutes much of a threat?

Mr. HARTNETT. I really don't think so. After each war, of course, there are some brought in but not in the numbers that we are looking at here. These are much larger.

Mr. GUARINI. I understand the President on the two bans on March 14 and 22 restricted the importation of semiautomatic assault weapons, but he did nothing in regard to the weapons that are manufactured by some five manufacturers that sell here in the United States. Is that correct?

Mr. HARTNETT. That is correct.

Mr. **Guarini**. How do you explain the inconsistency of it?

Mr. **Hartnett**. The law is part of a 1968 Gun Control Act. That is the only thing that we really have the authority under law to address. The manufacturing of semiautomatic weapons in this country is legal. There is no prohibition.

Mr. **Guarini**. Do you support the ban on semiautomatics being imported into our country?

Mr. **Hartnett**. I believe we have to look at them according to law and determine if they are being used for sporting purposes.

Mr. **Guarini**. If they are not being used for sporting purposes, they should be banned?

Mr. **Hartnett**. Yes, sir.

Mr. **Guarini**. What about those manufactured in the United States?

Mr. **Hartnett**. There is no law under which we can address that.

Mr. **Guarini**. Do you support legislation for banning such guns?

Mr. **Hartnett**. We would have to look and see if they were being used in crimes. If such legislation were passed, certainly we would enforce that legislation.

Mr. **Guarini**. If there are semiautomatic assault weapons, whether they are manufactured in Israel, China, or the Mideast or whether they are manufactured here in the heart of the United States, the threat to the security and to the neighborhoods and communities of America are the same. Is that not so?

Mr. **Hartnett**. I don't have the statistics on the numbers of assault weapons that are being used domestically.

Mr. **Guarini**. Do you think we should be consistent then, and if these weapons are in fact used, that they should be banned whether they are manufactured here or abroad?

Mr. **Hartnett**. I think if the weapons are being used in crimes and are falling into the hands of criminals, yes, I do feel they should be addressed by some legislation.

Mr. **Guarini**. Do you feel these are falling into the hands of criminals, the semiautomatic assault rifles?

Mr. **Hartnett**. Yes.

Mr. **Guarini**. It is an alarming rate?

Mr **Hartnett**. Yes, sir.

Mr. **Guarini**. Thank you.

Mr. **Thomas**. In referring to the legislation H.R. 1154, are you familiar with the legislation?

Mr. **Hartnett**. yes.

Mr. **Thomas**. On page 5, there are a list of assault weapons. The following assault weapons—for purposes of paragraph 1-A, are all of these weapons manufactured outside the United States?

Mr. **Hartnett**. No, sir, they are not. Some of those weapons are manufactured in this country.

Mr. **Thomas**. Exclusively in this country?

Mr. **Hartnett**. Yes, sir, I believe so.

Mr. **Thomas**. Then they are on this list to prohibit those firearms manufactured in the United States, sent overseas and returned so this legislation would permit us to export them but not to reimport them?

Mr. **Hartnett**. Yes, sir; that is the way I would interpret it. At least half of them are manufactured domestically.

Mr. THOMAS. It is OK if we manufacture them and send them overseas, but it is not OK if folks overseas manufacture them and send them over to us? Is that the idea of the legislation?

Mr. HARTNETT. We export a large number of weapons each year out of this country.

Mr. THOMAS. What if essentially similar devices manufactured in other countries would be prohibited from being imported, although we are going to allow them to be exported.

Do you have any opinion on the 10-round magazine? How did you come up with that number? Is that a nice, round number? Is that an appropriate number? Is that a number that through testimony has been determined as the appropriate number of rounds above which the weapon becomes usable in a different way than the nine or the eight or the seven rounds would allow them to be used?

Mr. HARTNETT. I don't know how that was arrived at, sir.

Mr. THOMAS. Colt, as you indicated in your testimony, has said it would suspend domestic sales of the AR-15; is that correct?

Mr. HARTNETT. Yes, sir.

Mr. THOMAS. What size magazines are available? What is the smallest one?

Mr. HARTNETT. Five is the smallest one.

Mr. THOMAS. Five is the smallest. So they believe the weapon is appropriate to be used as a semiautomatic, which I believe the AR-15 is designated in its literature, with a five-shot clip? It allows it to be used in a way that is appropriate for the weapon as it was created and under the proposed legislation.

Do you have an opinion as to what might be an appropriate size magazine if we are trying to limit the firepower of these weapons? Apparently by fixing the size of magazine capacity?

Mr. HARTNETT. Sir, the size varies in the legislation I have seen.

Mr. THOMAS. I asked you if you had an opinion. I want to know in your opinion.

Mr. HARTNETT. It will take any magazine. If you make them five rounds, they will take five to five. You can take that magazine and tape another 5 on the back and you can have 10.

Mr. THOMAS. I said that a while ago—10 on 10 makes 20. It is double the numbers. However, if you got down to a three-shot magazine, I would think that feeding that into the body of the rifle doesn't leave a whole lot left over unless you attached it directly below it, so that you could reverse it, rather than side by side.

Five gets fairly small in terms of trying to connect it together. Ten is a relatively easy size. It begins to be hand-size and easy to convert. I would like to go back to my original question, though.

Do you hunt?

Mr. HARTNETT. Yes, sir, I hunt.

Mr. THOMAS. You hunt deer?

Mr. HARTNETT. Yes, sir.

Mr. THOMAS. Did you ever miss? How many shots did you get off after your first shot?

Mr. HARTNETT. Very lucky to get off a second shot.

Mr. THOMAS. Ever got off a third shot on the same animal?

Mr. HARTNETT. No, sir.

Mr. THOMAS. So, from your experience in hunting, three shots would be minimally adequate, five would be more than adequate if you were in a hunting situation in which you would have time to reload, unless you were in the middle of a herd and you wanted to do a pirouette?

Mr. **Hartnett**. Yes, sir.

Mr. **Thomas**. In your opinion, why is a 10-shot magazine lifted if the primary purpose of dealing with these firearms, either through regulation and limited procedure in the bill or in the banning of their importation, is hitting ability. Since it doesn't deal with single shot rifles or elephant guns and others with a higher caliber, anyway, it is the rapidity of the weapon that is of paramount concern; is that correct?

Mr. **Hartnett**. Yes, sir.

Mr. **Thomas**. Wouldn't it make sense to come up with the minimum number of cartridges in a magazine to reduce the ability of an individual to use the prime value of this weapon?

Mr. **Hartnett**. Yes, sir.

Mr. **Thomas**. Against people. If it were in a hunting situation, three shots, four, or five shots would be all you possibly could use in a given situation, except under unusual circumstances.

Thank you very much, Mr. Chairman.

Chairman **Gibbons**. Mr. Thomas, you bring up some good points. I have been puzzling over this problem all weekend rather heavily. You know, I think a three-shot magazine makes sense. I realize that none of those out there are so limited, but I remember in hunting quail and hunting duck, I think you are required under Federal law now to not fire more than three rounds.

I think all shotguns are supposed to be plugged so they can only fire two additional shots after the first shot for quail and dove. That has been the law in this country for as long as I can remember, and pretty well accepted by most sportsmen.

I very seldom find people using unplugged guns in my area.

Mr. **Thomas**. If I may respond? One of the advantages of either a louver action or a pump action was that you could keep on target and reload, the bolt being a little more difficult.

The primary advantage of the semiautomatic for hunting purposes is based upon the automatic reload to get the second shot off in a relatively short period of time while being able to hold relatively on target and possibly even get that third shot.

So, from that point of view, I understand the value of a semiautomatic for the first, second, or third shot, perhaps even the fourth or fifth, although that gets to be higher. But beyond that, I don't understand if, your intent and purpose is to prevent these weapons on an antipersonnel basis, why you would have a 10-shot magazine easily taped together to make 20 shots. If you would watch the man take the magazine out and stick another one in, it would only be a half a second added.

I wish the chairman would take that under consideration. If, in fact, the intent of your legislation is to be carried out, I think you have to focus on the magazines which supply the cartridges. Three hundred or six hundred rounds a minute only works if you can get the rounds into it. Maybe that is the key.

Chairman **Gibbons**. I know that people would have a tendency to bootleg magazines.

Mr. **Thomas**. Someone will always want more.

Mr. **Guarini**. I would like to interject. Sportsman and former Senator and general, Barry Goldwater, whom we all have a great deal of respect for, and is also an NRA life member, is recently quoted as saying:

> I am completely opposed to selling semiautomatic rifles. I don't see any reason why they ever made semiautomatics. I have never used one for hunting. They have no place in anybody's arsenal.

The point he makes, "If any SOB can't hit a deer with one shot, then he ought to stop shooting."

Chairman **Gibbons**. That is not a bad quote.

Mr. **Guarini**. That is giving the deer a fair chance.

Chairman **Gibbons**. I also appreciate your point that there are some guns listed here for prohibition that are only made in this country. But I think that we can either decide to drop those out or draft the reimportation of those weapons.

That was an oversight. The points are well taken. I want to thank you very much, sir, for your help here.

Mr. **Hartnett**. Thank you, sir.

Chairman **Gibbons**. All right, we have the Baltimore County, MD, Police Department.

Mr. **Thomas**. In previous testimony, I know there was a discussion about problem and definition, and I hope people understand that the reason we are having problems with the definition is because we are not trying to be total. If you simply wanted to ban them all, it is an easy definition.

The reason we are having difficulty is because we are trying to be reasonable in a definition, and perhaps some folks would criticize us by saying that we need to define the area.

There is an easy way out of that, but I don't think we are interested in taking the easy way out, which is to provide blanket definitions in categories. So, when people see us struggling with the problem of definition, it is because we are trying to be reasonable.

I want that to be underscored.

Chairman **Gibbons**. I think that is very, very true.

Mr. **Thomas**. Thank you, Mr. Chairman.

Chairman **Gibbons**. Colonel, before you start, just introduce yourself and tell us about your background, and then go right into your testimony, and the same for the other gentlemen here.

## STATEMENT OF COL. LEONARD J. SUPENSKI, CHIEF, CRIME PREVENTION BUREAU, BALTIMORE COUNTY, MD, POLICE DEPARTMENT

Mr. **Supenski**. Good afternoon, Mr. Chairman, and members of this subcommittee. I am Col. Leonard J. Supenski, chief of the Baltimore County Police Department's Crime Prevention Bureau. I am a 30-year law enforcement veteran of military, city and county policing, a former NRA member I hold a Certificate of Marksmanship Instructor from the NRA, when I was a member. I still hunt. And I still target shoot.

I am here this afternoon on behalf of the many law enforcement officers in my own home State, Maryland, and throughout the Nation to discuss a rather hot topic in the hopes that the testimony produces a bit of light and reduces a bit of the heat that surrounds this issue.

For that, we thank you. Before I begin, I would like to applaud the administration. Knowing they would face stiff opposition from the gun lobby, Mr. Bennett, Secretary Brady, and Director Higgins nevertheless halted importation of assault weapons into this country.

The logic behind their actions is impeccable: Limit their proliferation while more information is gathered concerning the advisability of selling such weapons in the retail marketplace. They chose to err, if you would, on the side of public safety, an eminently reasonable decision, I believe.

I would also like to commend Colt Industries; and I might add, the first and only domestic firearms manufacturer to suspend commercial sales of their line of assault weapons. Given today's "make a buck" mentality, their decision was wonderfully refreshing.

For over two decades, now both the gun lobby, led by the National Rifle Association, and the antigun lobby have been engaged in a polemic. The leadership of the NRA has espoused a philosophy, a convulsive reaction to the Federal Gun Control Act of 1968, that says any gun control will lead to total confiscation. They continue to push for the unrestricted, unfettered access to weaponry of any type by the general public. I believe they have lost touch with their membership, the law enforcement community and, it seems, reality. The antigun forces have developed an equally untenable position. Firearms of any type are "per se" instruments of death and only military or police personnel should be allowed access to them. This position would rule out as legitimate private ownership of firearms for recreation, sport or collection. That simply is not in tune with mainstream American thinking.

All extremist positions can be right to the point of being wrong. Most Americans are middle-minded, police included. Poll after poll shows the public believes in the right to purchase and own firearms. Those same polls, however, also conclude that most people favor reasonable gun control legislation.

As you will hear from this panel today, law enforcement clearly favors the temporary ban on imported assault weapons. We would like to see that policy decision become law. Furthermore, we would like to see the ban expanded to cover all commercial sales of such weapons, whether manufactured domestically or abroad. That includes the add-on after-marketing of high-capacity magazines of more than 20 rounds.

The primary purpose of such antipersonnel weaponry, as we have seen on the tape, is to spray high volumes of ammunition at short ranges in combat situations. Any "sporting" usage is clearly secondary and must be measured against the very real threat not only to the citizens of this country, but also to the law enforcement personnel who protect them.

We are before Congress to implore you to act this year. You know the statistics: Three times the number of import applications for assault weapons in 1989 than in the past 3 years combined, after a 3-year increase of almost 1,000 percent. That, excuse the pun, is an explosion in the amount of assault weapons now in private ownership.

You know the gun lobby's arguments:

Second amendment rights are being trampled.

A legally specious and hollow old saw. All constitutional rights are tempered. I think they confuse liberty with license.

No one can define what is and is not an "assault weapon."

That is pure bunk. As a former member of the NRA, a lifelong hunter and sports shooter and a 30-year police veteran, I am here to tell you that anyone versed in weaponry can define that term on an individual basis, gun by gun by gun.

Such a law would take away the firearms presently owned by legitimate law-abiding hunters and target shooters.

That is garbage. A Striker-12 "street sweeper" in a duck blind? A U.S.A.S. semiautomatic, 20 round, magazine-fed 12-gauge shotgun for quail and pheasant? A 9-millimeter Uzi or an AKS/AKM, 30 round assault weapon for deer and small game? A MAC–10 or Tec-9 for target shooting? Be real.

No one I know in law enforcement wants to ban a Colt .45 ACP gold cup match pistol or a Remington model 1100 semiautomatic 12-gauge skeet, trap, or field grade shotgun, or a Ruger Mini 14 in its standard configuration, the Winchester of the 1980's, or any legitimate sporting/target/self-defense handgun, with the exception of the "Saturday night special" and nondetectable handguns.

What then do we want? A halt to the importation for sale in this country of foreign-made assault weapons. Prohibition of the manufacturing for commercial sale of domestically produced assault weapons, including any high capacity magazine exceeding 20 rounds. The grandfathering, through registration, of assault weapons now in private ownership. Stiff penalties for violation of those prohibitions, whether corporate, commercial or individual.

We are now engaged in a domestic arms race of unparalleled proportion. There are already 120 to 140 million long guns in private hands now, 40 to 60 million handguns, 350,000 fully automatic machineguns and until BATF's testimony today, we thought nearly 500,000 assault weapons legally owned out there now, the world's largest private arsenal.

The assault weapon is fast becoming the favored weapon of the sophisticated drug dealer, the urban street gang, and the ultrafanatical paramilitary hate groups. No part of this country is immune.

The entertainment industry has created a market for such weapons by glamorizing them, life imitating art imitating life. But life is not art. Stockton is not Stallone. East L.A. is not Eastwood. Death is not glamorous; it is simply final. Police are not immune, either.

As criminal gangs and organized hate groups arm themselves with these sophisticated weapons, as the mentally deranged find easy access to such firearms and more and more of these guns find their way into our police property rooms, police officers are demanding equal or greater firepower to cope. Therefore, we are escalating this domestic arms race even further.

Drug Enforcement Administration [DEA] agents are now armed with their own submachine guns. U.S. Park Service officers, caught between drug growers and the pirates who steal their illegal cash crops, are converting to semiautomatic weapons.

SWAT teams across this country have added fully automatic weapons to their inventories. Where does it stop? Are we to emulate law enforcement agencies in Colombia and other strife-torn Third World countries where officers on patrol routinely carry assault weapons? I hope not. God, I truly hope not.

In Maryland, we are now observing, this week, Victims' Rights Week. By coming to grips with this issue, and following through with legislative action, you in Congress can help us in law enforcement reduce the number of victims and end the senseless carnage we have recently witnessed all across the country.

Thank you.

Chairman GIBBONS. Thank you very much.

Now, Sheriff Sullivan.

## STATEMENT OF SHERIFF PATRICK J. SULLIVAN, JR., ARAPAHOE COUNTY SHERIFF'S DEPARTMENT, LITTLETON, CO

Mr. SULLIVAN. Mr. Chairman and members of the committee, thank you for inviting me here today. I am the sheriff of Arapahoe County, CO. Its 414,000 population includes the south and east suburbs of Denver.

The sheriff's department consists of 325 deputies and a total of 428 full-time employees and 250 volunteers. The sheriff's department provides full law enforcement services to 125,000 county residents living outside the cities in Arapahoe County.

I currently serve as president of the County Sheriffs of Colorado, and also serve on the Law and Legislative Committee of the National Sheriffs Association. I am a 27-year veteran of local law enforcement.

I am here to testify in support of a ban on the import of foreign-made assault weapons. Some 926,000 assault weapons temporarily stopped from being imported into this country must be permanently banned from entering this country.

From 1984 to 1987, we occasionally ran up against foreign-made assault weapons, primarily in drug cases. In 1988, foreign and domestic-made assault weapons were encountered in an alarming number of enforcement efforts, primarily in drug raids. The trend continues in 1989.

On March 23, 1989, Frank Eugene Thompson launched a crime rampage across three Denver suburban counties, starting with a 5 a.m. kidnaping; 6:30 a.m. double murder and robbery; 7:30 a.m. rape and robbery; 8:45 a.m. deliberate crash of car. There was a 5½-hour manhunt in a 4-square-mile area, using over 100 officers, two helicopters in the area at all times, marked and unmarked cars cruising the area, some 70 deputies and 3- and 4-man teams searching house to house.

This man was on a crime rampage. He had to be gotten. We had to be aggressive. Forty-five thousand schoolchildren were locked down in their school buildings. One of the teams, finding their 14th unlocked house, drew their weapons, opened the door and announced themselves three times, and were answered by shots from the MAC–11. One deputy was shot twice.

A deputy concealing himself around the edge of the door was covered with glass, sprayed with glass from the spray fire from the

MAC-11 going through the safety panel glass beside the door. He was covered with blood. He thought he had been shot, and so had I.

We conducted a rescue effort. During that time, Mr. Thompson shot his hostage, an 18-year-old young man in this house. Shot him four times. Then he killed himself.

When we did the blood analysis on Mr. Frank Eugene Thompson, we came up with better than 20,000 nanograms of cocaine. The previous night, he and one of his friends, along with his MAC-11 and the friend's MAC-10, held up a Mexican food restaurant. They acquired $4,000 in cash and went to a crack house in Denver.

They spent $2,000 on shooting up and sniffing cocaine. Then started the rampage. From 11:30 that night, when the stickup occurred, picking up the $2,000, until 3:30 in the morning, they consumed $2,000 worth of crack cocaine in a crack house.

The MAC-10 and the MAC-11 were stolen weapons from one of their burglaries used to raise the money for their drug habit or their drug dealing. The MAC-10 and MAC-11 were originally manufactured as semiautomatic weapons and were converted to fully automatic weapons.

These weapons of war must be banned from further import, and also those currently in the possession of private owners need to be brought under the National Firearms Act of 1934, as revised in 1968.

The issue of definitions is readily dealt with. Asking any of our officers, particularly our range officers or our armors, they can quickly point out to you that a weapon designed and manufactured for military troops or for law enforcement use is a characteristic of these weapons.

As is, it is easily converted to fully automatic, and if it is reequipped with threaded barrel to accept silencers or flash compressors and with a pistol grip, equipped with folding or collapsible rear stock, if designed to take a detachable magazine of more than 10 rounds. Definition issue can be wrestled with.

We feel your committee and others, as well as ATF, will refine that down to a good definition that will be effective in covering the weapons. Only the military weapons of originally designed or law enforcement weapons and stay clear of our genuine sporting weapons by Browning, Wetherby, and Remington.

Law enforcement in this Nation is local service to a large extent. It usually is not directly affected by legal foreign trade. But the dumping of 296,000 foreign-made assault weapons in this country will make our communities far more dangerous and local law enforcement far more risky.

On behalf of the people we are sworn to protect and serve, as well as your local law enforcement deputies, sheriffs, and police officers, both in favor of these bills that will ban the import of these 926 foreign import assault weapons held up by the temporary ban.

I would like to also add, in response to Congressman Guarini's comments, I was here last Wednesday at a hearing. I got a copy of the announcement from the White House in which Marlin Fitzwater expressed a regret that the American-made weapons could not be included in the announcement last Wednesday.

Fitzwater called for the action which took effect immediately, a midcourse correction, on the way to longer range measures. He said the new steps should dry up the flow of semiautomatic weapons while the administration review continues.

Further, he said—Fitzwater conceded there is some unfairness in the fact that the expanded ban still has no impact on the sales of American-made, high-powered, rapid-fire rifles. Unfortunately, it is not something we can do anything about, Fitzwater said.

To do anything about domestically manufactured weapons would require a change in the law, Fitzwater said. I feel that is definitely in your hands. I commend the President for the action, a brand-new President with a rookie drug czar, of a new administration taking on a very tough battle against a very expensive program lobby.

I am a Republican-elected official and know how tough it is to step out on that type of an issue. I have run for election twice unopposed. I don't look forward to the next go-around.

I am available for your questions.

Chairman GIBBONS. Thank you.

[The statement of Mr. Sullivan follows:]

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### The Position of
### Sheriff Patrick J. Sullivan, Jr.
### On Weapons of War

In January of 1989 Patrick Purdy of Stockton, California used an **Assault Weapon**, also known as a **Weapon of War**, the AKM-47 (actually a Model 56S, a copy of the Chinese-made AKM-47) to fire over 100 rounds in less than two minutes into a school yard. Five children were killed and 29 children and one school teacher were wounded. This gunman had an extensive arrest record, misdemeanor convictions (plead down from felonies), and a history of mental illness, but was able to walk into a gun shop, fill out a simple federal firearms form with no background check, pay his money and walk out with a weapon designed by the Soviet Union and manufactured by the Chinese for its combat troops.

This tragic event has stimulated city, county, state and federal legislative efforts to control or ban these **Weapons of War**. The National Rifle Association has branded these legislative efforts as "an emotionally-charged opportunity to eliminate any type of firearm." When asked to meet with law enforcement officials and others in Washington, D.C. in February, NRA refused and responded that they will "oppose restrictions on semi-automatic firearms in whatever form they appear."

A large number of cautious thinking law enforcement C.E.O.'s feel the Stockton tragedy was the "straw that broke the camel's back" of the constitutional safeguard of the Second Amendment shielding the importation, manufacture, sale, possession and transfer of these **Weapons of War**. They feel that the Second Amendment language, well regulated, gives rise to a burden to place some reasonable controls on these **Weapons of War** without abridging the sportsman's right to legitimate sporting rifles, shotguns and handguns. The U.S. Supreme Court approved such regulation in the Miller case when Congress restricted the Thompson .45 caliber machine gun. These weapons may be characterized as those possessing the following characteristics: bayonets or bayonet mounts originally designed to accept silencers or flash suppressors, pistol grips, no rear stock or collapsing rear stock, barrel shroud, barrel length of less than 19 inches, fire a center primed round, feed from a detachable magazine that will hold more than 10 rounds, designed to accept or are equipped with a bipod or tripod, and is easily converted to a fully automatic weapon. Included are pistols that were originally designed as rifles such as the UZI, MAC-10 and MAC-11. These weapons again are characteristic of the AK(M)-47, the UZI, MAC-10, MAC-11, AR-15A2, Ruger Mini-14, TEC-9, TEC-9M, FN-FAL, FN-FNC, STEYR AUG, Beretta AR-70 and the Street Sweeper shotgun.

These **Weapons of War** can be found at gun dealers across the country and can be purchased over the counter without any waiting period or background check of the buyer.

The time has arrived to bring these weapons under the control of the National Firearms Act of 1934. I do not propose their absolute ban, but simply to bring them under the same or similar controls of the National Firearms Act in 27 CFR Part 179 which controls machine guns, silencers, sawed-off rifles, sawed-off shotguns, anti-tank guns, bazookas, mortars, caneguns, Ithaca Auto-Burglar guns, etc.

These weapons in the hands of criminals put our law enforcement officers at great disadvantage in any exchange of gunfire. In 1986 eight F.B.I. agents in Miami were involved in a gunfight with two bank robbers, one of whom was armed with a Ruger Mini-14 assault weapon. The result was two agents killed and five agents wounded. Last year in Los Angeles a police officer was shot and killed by a gang member armed with an AR-15, an assault weapon similar to the U.S. Army's M-16. Three years earlier another Los Angeles Police Officer was killed after being ambushed by a gunman armed with a MAC-10. The Los Angeles County Sheriff's Department Gang Suppression Task Force seized 131 such weapons in 1988 alone.

In February of 1984 a 21 year old male shot at and hit an Aurora Police Department marked patrol car. When arrested, following a high-speed, 32 mile chase, he was in possession of an AR-15 assault rifle and several homemade grenades. In July of 1984 in Castle Rock a 30 year old male was arrested with a silencer, a MAC-10, two UZI's, two AR-15's, 10 live claymore mines and 15 pounds of C-4 plastic explosives. In July of 1985 a 40 year old male was arrested in Englewood with an Intra-Tech (TEC-9) Machine Pistol with a 30-round clip. In April of 1986, in Arapahoe County during a raid on a "speed" lab, a fully automatic 9mm Sten Gun, 3 sticks of dynamite and 2 blasting caps were seized. In June of 1988 in Elbert County numerous stolen automatic weapons, explosives and explosive components were seized, including an H&K 94 submachine gun, two S&W Model 76 submachine guns, an M-16 machine gun, a MAC-10 and a SACO M-60 machine gun.

In September of 1988, in Arapahoe County during a drug raid, a fully-loaded AK-47 was seized. In November of 1988, in Arapahoe County in a drug raid, a fully automatic AR-15, a MAC-10 and an UZI were seized. In December of 1988, in Arapahoe County during a drug raid, an AR-15A2 with two 30-round magazines was seized. In August of 1988, in Northglenn, two suspects robbed a Woolworth's store stealing three AK-47's from the store's stock of weapons. Five days later, Century Bank in Denver was robbed by three suspects using all three stolen AK-47's. One AK-47 was recovered by the F.B.I. in West Virginia and two suspects were later arrested in Tulsa, Oklahoma in possession of the remaining two AK-47's. All three suspects were 18 and 19 years of age.

Other recent raids in Arapahoe County have netted a fully-automatic AK-47, a fully-automatic MAC-10 with silencer, an AR-15 and a SPAS 12-gauge, semi-automatic shotgun with an 8-round capacity of ammunition. The threat to public safety and the threat to the safety of our law enforcement officers in Colorado is real and occurring with alarming frequency.

These semi-automatic **Weapons of War** have become the weapons of choice for drug dealers and drug couriers. The easy availability of these weapons dangerously tips the balance of power away from our law enforcement officers, who are on the front line in our nation's "War on Drugs." These weapons are not designed for hunting Colorado big game. They are designed for killing human beings.

The federal legislation I am requesting may well have to ban the importation and manufacture of these weapons. Hopefully, our Colorado congressional delegation and their colleagues can draft legislation which can control the importation, manufacture, shipping, receiving, sale and possession of any new **Weapons of War** that meets a narrow definition containing many, if not all, of the **Weapons of War** characterization I listed above. Legislation would exclude the government of the United States, any state, or its political subdivision (to exempt the military and law enforcement). Legislation would allow persons who lawfully own any of the specified weapons to keep them, but would require that they be registered with the Secretary of the Treasury and transfers would be subject to the National Firearm Act. Legislation would prohibit the importation, manufacture, sale, shipping, possession, transfer, transportation and receiving of detachable box magazines with a capacity of more than 10 rounds, as well as ammunition belts with a capacity greater than 10 rounds.

We are unable to identify a single state that allows hunting with a weapon that contains more than five rounds in the magazine. Some shooting events employ large-capacity magazines. Under this new law they simply use several smaller magazines with the same weapon. By controlling detachable box magazines it narrows the number of weapons that need to be specifically listed as **Weapons of War**, something I hope N.R.A. could support or at least remain silent.

The bill should not, in any way, limit the ability to purchase a legitimate hunting rifle, shotgun or handgun. The bill should specifically identify the most dangerous weapons now available to the general public as listed above. These weapons, and any other firearms which are substantially identical to them, would automatically be defined as **Weapons of War**. They are all designed and marketed to use large capacity magazines which enable them to fire a large number of rounds in a matter of seconds. For example, the Stockton gunman managed to fire over 100 rounds in less than two minutes, sending a hail of gunfire through a group of children on the school's playground. The street sweeper shotgun, with its large cylinder magazine, originally designed as a crowd control weapon in South Africa, is advertised as capable of firing twelve shotgun blasts in three seconds. These firearms in the hands of criminals are a danger to society and a major threat to law enforcement. An UZI, which can fire 30 rounds in five seconds, or a street sweeper capable of firing 12 shotgun rounds in three seconds, is a machine intended to kill people, not Colorado deer, elk, moose, bear, mountain lion, pheasant, geese or duck.

The new bill must, as does Senator Metzenbaum's S.386, specifically preclude from designating as a **Weapon of War** any firearm that does not have semi-automatic action, or which cannot employ a detachable magazine or ammunition belt with a capacity greater than ten rounds. These specific exclusions ensure that firearms designed for, and used specifically for hunting, target practice or other sports or recreational activity, will not be restricted.

The **Weapons of War** targeted by this effort possess a mystique that draws troubled minds to them. In this day and age of deinstitutionalization of our mentally ill into community-based treatment programs and our constant expansion of community corrections programs, probation and parole as alternatives to costly prison construction, we must recognize that these individuals frequently snap under the pressure of living within society's norms. When they act out aggressively, they often turn to these aggressive weapons that best reflect their rage against society in general or specific individuals. Our law enforcement officers are all too frequently called upon to intervene with these highly-volatile individuals as they violently act out their frustration.

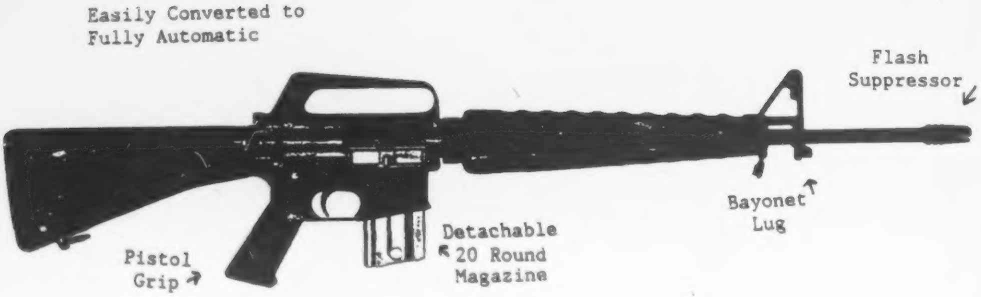
The **Weapons of War**, addressed by this proposal have no place on the streets of America. The Director of the F.B.I., William Sessions, recently said in the aftermath of the Stockton tragedy, "Where there seems to be no rationale for having those types of weapons for any other purpose other than making war and killing people, it would seem to me that there is some rationale for limitation of that type of weapon."

Support for federal legislation on **Weapons of War** has been voiced by many law enforcement organizations, the United States Conference of Mayors and the American Bar Association. On February 25, 1989, I participated in the National Sheriffs' Association Law and Legislative Committee meeting in which the Department of Justice and the Treasury Bureau of Alcohol, Tobacco and Firearms agents briefed the Committee on current Federal Law and the weapons in question. In the afternoon members of Congress briefed us on their bills introduced in January and February 1989 addressing the **Weapons of War**. Following suggestions for amendments to Senator Howard M. Metzenbaum's S.386, which he agreed to the Committee, which included sheriffs who are Life Members of N.R.A., voted unanimously to support S.386 as the best proposal as of February 25, 1989 to address the **Weapons of War** issue.

I support Federal legislation over State legislation in seeking broad uniformity to the regulation or elimination of these **Weapons of War**. Patrick Purdy purchased his AK-47 in Oregon, but used it in Stockton, California.

The American people are fed up with the death and violence brought on by these **Weapons of War**. They demand action! The N.R.A.'s response to jail more gun-using criminals for longer periods of time sounds good but fails on economic grounds alone. Where was the N.R.A. during the past six years of effort to fund additional Colorado prisons, Judges, District Attorneys, Parole Officers, Probation Officers, etc? No where to be seen, yet today while their latest "sacred cow" - **Weapons of War** - is being threatened, criminal justice funding is their answer. I urge our Colorado Congressional Delegation to join in drafting and supporting reasonable restrictions on **Weapons of War**, legislation that protects our nation's legitimate sportsmen in their right to purchase, own, transport, use and sell legitimate sporting rifles, shotguns and handguns. This legislation should also protect the legitimate gun collector and marksman who would be subject to similar federal provisions for purchase, transport or transfer now applicable to machine guns under the National Firearms Act of 1934, as amended (27 CFR 179) (Gun Control Act of 1968, Public Law 90-618 Title II).

Prepared by
Sheriff Patrick J. Sullivan, Jr.
President, County Sheriffs of Colorado, Inc.
Member, Law and Legislative Committee,
National Sheriffs' Association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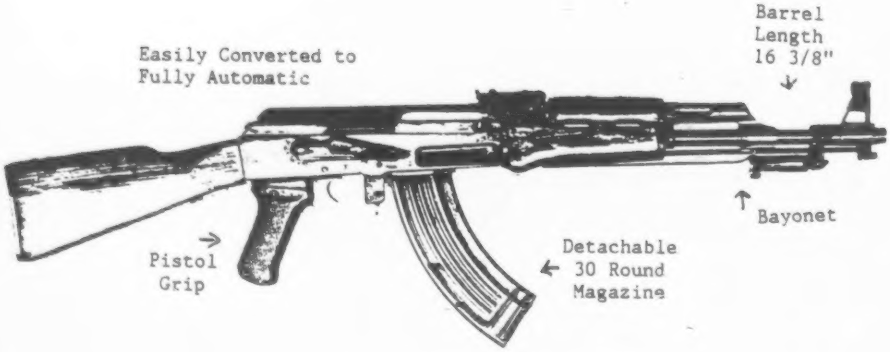
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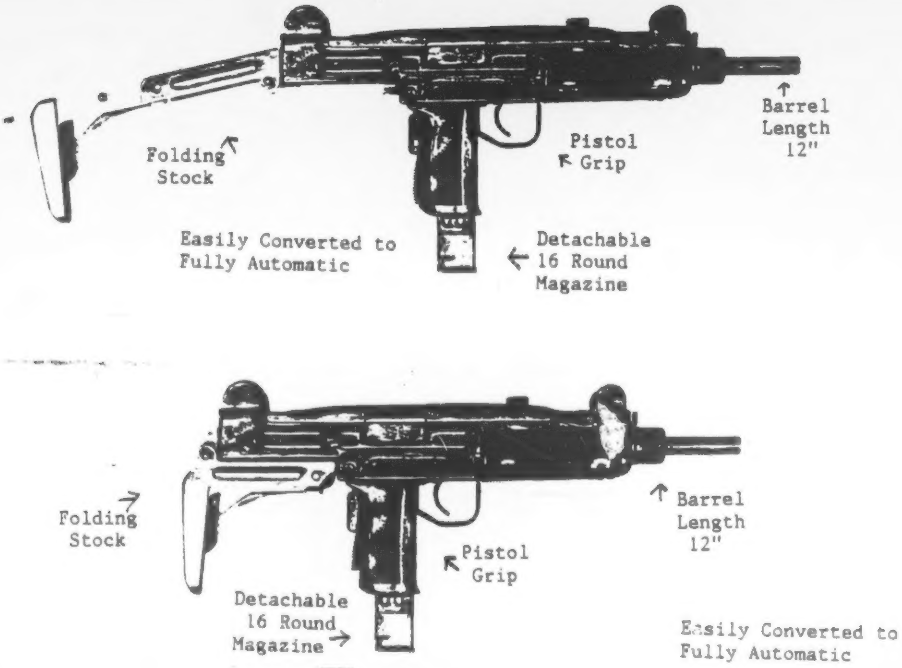
7.62MM Russian AK-47 Assault Rifle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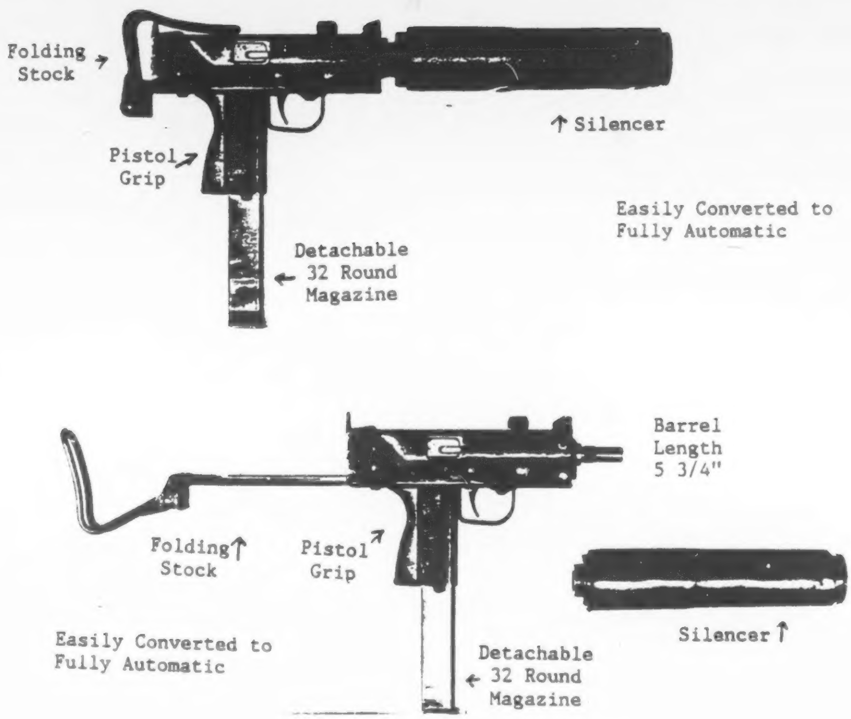
9MM Israeli Uzi Submachine Gun
(Two Views)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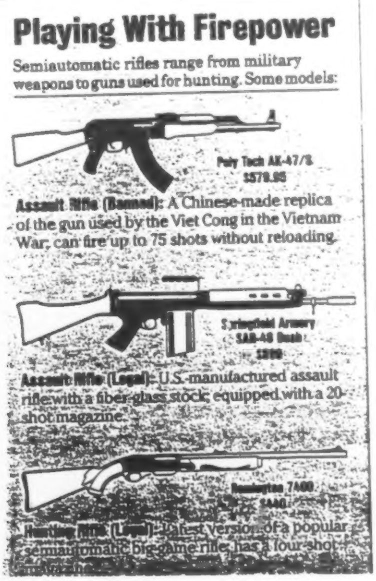
Detachable 32 Round Magazine
Barrel Length 5 3/4"
Folding Stock
Pistol Grip
Silencer
Easily Converted to Fully Automatic
Detachable 32 Round Magazine

9MM Ingram, Model 10, Submachine Gun (Two Views)

## Survey Results on Assault Weapons

In the latest Gallup poll, conducted nationwide February 28 thru March 2, 1,000 adults 18 and older were interviewed by telephone reference weapon laws. Specifically, the sale and possession of semiautomatic assault guns. The results of this poll are as follows:

- 72% favor federal legislation to outlaw assault guns.
- 23% oppose federal legislation to outlaw assault guns.
- 68% of gun owners favor federal legislation to outlaw assault guns.
- 76% of non-owners favor federal legislation to outlaw assault guns.
- 55% support a government import ban on assault weapons.
- 39% oppose a government import ban on assault weapons.
- 70% favor tougher laws governing the sales of firearms to include:
    - 79% of women polled
    - 59% of men polled
    - 76% of college graduates polled
    - 67% of non-college graduates polled
    - 80% of non-owners of guns polled
    - 58% of owners of guns polled
- 22% are content with the laws governing the sales of firearms
- 6% are in favor of relaxing the laws governing the sales of firearms
- 71% favor banning the manufacture, sale and private possession of "Saturday Night Specials"
- 75% favor banning the manufacture, sale, and private possession of plastic guns that are invisible to metal detectors.
- 47% of American households possess one or more firearms
- 30% of American households possess two or more firearms
- 47% of American households possess four or more firearms
    - 31% own a rifle
    - 28% own a shot gun
    - 25% own a pistol or revolver
    - 1% own an assault rifle



## Playing With Firepower

Semiautomatic rifles range from military weapons to guns used for hunting. Some models:

Poly Tech AK-47/S
$579.95

**Assault Rifle (Banned):** A Chinese-made replica of the gun used by the Viet Cong in the Vietnam War, can fire up to 75 shots without reloading.

Springfield Armory
SAR-48 Bush
$[illegible]

**Assault Rifle (Legal):** U.S.-manufactured assault rifle with a fiber-glass stock; equipped with a 20-shot magazine.

Remington 7400
$440

**Hunting Rifle (Legal):** Latest version of a popular semiautomatic big-game rifle, has a four-shot magazine.

## Do you favor or oppose a permanent ban on the sale of semiautomatic assault-type rifles?

**72% Favor ban**
**21% Oppose ban**

For this Newsweek Poll, The Gallup Organization interviewed a national sample of 756 adults by telephone March 16-17. The margin of error is plus or minus 4 percentage points. Some "Don't know" and other answers omitted. The Newsweek Poll © 1989 by Newsweek, Inc.

# Ban assault rifles, police chief urges in call for gun control

**By Bill Briggs** 2·23 89
Denver Post Staff Writer

Assault rifles should be outlawed and a mandatory waiting period should accompany all firearm sales, Denver Police Chief Ari Zavaras said Wednesday in calling for tighter national gun control.

"There's absolutely nothing wrong with a waiting period," Zavaras told a Capitol Hill neighborhood group. "When somebody says a waiting period will not prevent some things, I take issue with that."

Zavaras cited a Dec. 8 shooting rampage at a west Denver women's shelter as a tragedy that might have been prevented if a waiting period had been in effect.

But Brandon Center resident Juanita Whitaker, upset over her impending eviction, purchased a handgun just a day before fatally shooting one person and wounding two others at the shelter.

"The shooting at the Brandon Center would not have occurred with that woman and that gun if there had been a waiting period," Zavaras said.

"I certainly am a strong believer in the right to bear arms, but I think we need to take some steps . . . (on) gun control."

His remarks came during a talk on youth gangs and crack at a meeting of Colfax on the Hill, a neighborhood organization. He strayed from that topic when asked whether the arsenal of illegal automatic weapons in Denver is

Please see **GUNS** on 4-B

## Outlaw assault rifles, police chief urges

**GUNS** from Page 1-B

growing.

"It's terrible," Zavaras said. He added he would be willing to lobby lawmakers to ban automatic weapons and powerful assault rifles like the AK-47, an Israeli-made Uzi machine gun, and the U.S.-made AR-15.

"What does a deer hunter need" with that type of weapon? Zavaras asked.

"I see no reason for the average citizen to have automatic weapons. I don't know what they would be used for."

Some gun store owners and area law enforcement officials had mixed reactions.

The owner of Dean's Firearms Ltd., 2495 Sheridan Blvd., in Edgewater, blasted Zavaras' comments as an attack "on the honest guy."

"The drug dealers don't register those guns — they don't play by the rules," said Dean Porter. "Only the honest guy is going to register his gun — that's who you're hurting."

On the issue of a waiting period, Porter said: "Who's going to wait to buy a gun? The honest guy.

"But we're not the ones out holding up 7-Eleven's. The guns we've got are for target practice or sport."

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# Bush stresses need for tighter gun controls

he Los Angeles Times 3-23-89

WILMINGTON, Del. — Presi- nt Bush, hitting the road again r the 16th travel day of his 62- y-old presidency, took another lf step Wednesday in his slowly veloping position on gun control.

"I do believe in the legitimate ght of sportsmen and others who wn guns, but I also believe in sup- rting our police officers who lay eir lives on the line," he said.

Gesturing to Delaware state oopers arrayed behind him as he oke, Bush noted that he is a life- ne member of the National Rifle sociation, then added: "I happen believe that the vast majority of RA members support the posi- on I've just taken — that the time as come to do something about these automated weapons that are threatening the lives of these people behind me."

Although Bush offered no specifics on what he would propose to do, his remarks drew loud and spontaneous applause, a sharp contrast with the friendly but low-key response that greeted the rest of his speech to law enforcement officials and an earlier talk to a high school audience in Lancaster, Pa.

His statement appeared to be a reminder to NRA leaders of the risk they would take if they challenge him on an issue where opinion polls seem to show a strong shift of opinion toward support for further gun-control measures.

Earlier in the day, speaking to students and parents in Lancaster, a small city in a semi-rural part of Pennsylvania whose local drug problem recently was highlighted on a television news show, Bush delivered anti-drug messages that drug czar William Bennett has been emphasizing.

To "movie producers and the movie directors and those involved in the entertainment business," he said, "put an end to the glorification or humorous treatment of narcotics."

"To the so-called 'casual' user: Face up to the fact that your so-called 'recreational' drug use contributes to the drug culture — to the crime, the death and degradation."

In a meeting afterward with Amish community leaders, he saluted that tightly knit religious community, whose members eschew most trappings of modern life, for the values that have allowed their children almost totally to avoid drug involvement.

Later in the day, Bush visited a far different environment, an inner-city YMCA in Wilmington, where he talked to children who participate in a karate class as part of an anti-drug program.

When one child asked how he kept drugs out of his life, Bush responded that "now that I'm president, it would be pretty hard for some drug guy to come into the White House and start offering it up, you know. It's different, we've got a lot of Secret Service guys there."

**ARAPAHOE COUNTY SHERIFF'S DEPARTMENT**
5686 S. Court Pl. • Littleton, Colorado 80120

PATRICK J. SULLIVAN JR., SHERIFF
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## ASSAULT WEAPONS
## QUESTIONS & ANSWERS

What is an assault weapon?

It is an automatic or semi-automatic rifle, pistol or shotgun designed to be spray-fired in combat. Such weapons include the AK-47, Uzi, AR-15, MAC-10, MAC-11, TEC-9, TEC-22, Ruger Mini-14, FN-FAL, FN-FNC, STEYR AUG, Beretta AR-70 and the Street Sweeper shotgun.

What is the difference between an automatic and a semi-automatic weapon?

An automatic weapon (machine gun) will continue to fire as long as the trigger is depressed (or until the ammunition magazine is emptied). A semi-automatic weapon will fire one round and instantly load the next round with each pull of the trigger. This means that a semi-automatic fires a little more slowly than an automatic, but not much more slowly. When San Jose police test-fired an Uzi, a 30-round magazine was emptied in slightly less than two seconds on full automatic while the same magazine was emptied in just five seconds on semi-automatic.

Is a slide-action gun considered semi-automatic?

No. Slide-action, bolt-action, lever-action and of course, single shot firearms are not semi-automatics because they require an additional manual operation before the trigger can be pulled again. In addition, revolvers are not considered semi-automatic weapons.

What type of gun was used by Patrick Purdy?

On January 17, Patrick Purdy killed 5 small children, wounded 29 others and one teacher at the Cleveland Elementary School in Stockton, California using a semi-automatic version of the AK-47 assault rifle imported from the People's Republic of China. That weapon was equipped with a 75-round "drum" magazine. Purdy shot 106 rounds in less than 2 minutes.

How are assault weapons treated under current federal law?

In 1934, Congress voted to require that all fully-automatic weapons be registered. Transferees must undergo thorough FBI background checks and a $200 transfer tax is imposed. In 1986, Congress outlawed the manufacture and importation of new automatic weapons for sale to civilians. However, under federal law, semi-automatic assault weapons can be purchased instantly.

How are assault weapons treated under current state law?

While the possession of fully automatic weapons is heavily restricted or banned, semi-automatic assault rifles and shotguns can be purchased cash-and-carry in 45 states by simply providing identification and signing an unverified statement that the purchaser is not a convicted felon, minor, illegal alien, or drug addict and has never been adjudicated mentally incompetent. 23 states have some kind of waiting period or background check for handgun purchases, which also apply to assault pistols, and 5 of those also restrict the purchase of long guns. But most states have no restrictions at all. One reporter found it took less time (5 minutes) to buy an Uzi than to buy a quart of milk.

**Will all semi-automatics be banned if assault weapons are restricted?**

No. Despite NRA claims that legislation is aimed at banning all semi-automatic weapons, the truth is that only semi-automatic assault weapons, not semi-automatic hunting rifles such as the Browning and Remington, will be affected by such legislation. In addition, most of the legislation proposed on the federal and state levels exempt .22 caliber rimfire rifles and permit current lawful owners of assault weapons to keep their guns.

**What is the difference between a semi-automatic hunting rifle and a semi-automatic assault weapon?**

Assault weapons were designed for military, not sporting, purposes. For that reason, assault weapons are equipped with "combat hardware" not found on traditional sporting guns. Assault weapons are commonly equipped with some or all of the following combat hardware:

* Large-capacity ammunition magazines, enabling the shooter to continuously fire dozens of rounds without reloading. Standard hunting rifles are equipped with 3 or 4-shot magazines.

* Shorter barrels than those found on the most popular semi-automatic hunting rifles such as the Browning and Remington.

* Pistol grips enabling the shooter to spray-fire the weapon from the hip. Sporting rifles are designed to be fired from the shoulder.

* Folding or collapsible stocks which maximize concealability.

* Threaded barrels designed to accommodate silencers which have no legitimate sporting purpose.

* Threaded barrels designed to accommodate flash suppressors which enable soldiers to shoot and remain concealed at night.

* Barrel mounts designed to accommodate bayonets.

**How many semi-automatic assault weapons are there in the U.S.?**

Estimates range from 500,000 to 2 million. At least 167,849 semi-automatic assault weapons were imported into the United States in 1986-87, according to the Bureau of Alcohol, Tobacco and Firearms (BATF). While there is no publicly available data, it is estimated that most semi-automatic assault weapons are manufactured in the United States.

**What action did the Bush Administration recently take to limit the importation of assault weapons?**

Under the 1968 Gun Control Act, the Bureau of Alcohol, Tobacco and Firearms (BATF) is empowered to prevent the importation of guns which are not "particularly suitable for or readily adaptable to sporting purposes." On March 14th, the BATF announced that it was temporarily suspending import licenses for 5 types of assault weapons -- AK-47s, Uzis, FN-FALs, FN-FNCs, and STEYR AUGs which amounted to temporarily suspending the importation of 110,000 foreign-made weapons, this temporary ban on imports was expanded on March 24, 1989, stopping 440,000 more foreign-made assault weapons and again expanded on April 5, 1989, temporarily stopping 250,000 additional foreign-made weapons -- while BATF studies whether these weapons are primarily being used by drug gangs or are suitable for sporting purposes.

**Can the BATF ban the domestic manufacture or sale of assault weapons?**

Under current law, the BATF has no authority to act against domestic semi-automatic assault weapons. It will require the passage of new legislation for the BATF to obtain that authority.

**What action did Colt Industries take?**

In response to the Bush Administration's importation action, Colt voluntarily halted the sale of its domestically-produced AR-15 assault rifle, which is a semi-automatic version of the military's M-16 rifle.

**What if only the importation of assault weapons is banned?**

If we allow continued domestic production, American manufacturers will make assault weapons in even greater quantities and likely copy the designs of previously imported assault weapons. After BATF outlawed the importation of a South African riot-control shotgun called the Striker-12 in 1986, American manufacturers subsequently marketed copies of the Striker-12, boasting that it was barred from importation.

**How much of a crime problem are semi-automatic assault weapons?**

While there is no reporting requirement on assault weapon incidents, police across America report that semi-automatic assault weapons have quickly become the "weapons of choice" for drug traffickers, street gangs and paramilitary extremist groups. For example, in Oakland, California, law enforcement authorities report that in 1986 they confiscated only 56 assault weapons from criminals. In 1987, they seized 113 and in just the first eight months of 1988 police seized 167 assault weapons. According to Oakland police, only 12 percent of the assault weapons seized in 1988 were obtained illegally; the others were bought legally over-the-counter. The Los Angeles County Sheriff's Department Gang Suppression Task Force seized 131 assault weapons in 1988 alone.

**The NRA argues that the real problem isn't assault weapons. It's courts that let criminals go free. The NRA says mandatory sentences ences for criminals who use guns is the answer. What do you think?**

We have always supported tough mandatory sentencing. However, that is only part of the answer. We need preventive measures. The use of assault weapons in crime has been growing at an alarming rate. Why should we make freely available to criminals weapons that are designed solely for use in combat? Law-abiding citizens have no need for weapons of war.

**Won't criminals always be able to get assault weapons even if they're banned?**

BATF reports that most of the assault weapons used in crime are originally purchased over-the-counter. Stopping the domestic manufacture and import of assault weapons would dry up the pool of available weapons. Right now, U.S. gun stores are even supplying assault weapons to drug traffickers in other countries. Drug sweeps in the Philippines, Jamaica and South and Central American have turned up weapons originally purchased in the U.S. According to one BATF official, a drugs-for-guns connection exists; as one BATF agent said, "it's drugs in, guns out."

**What do law enforcement officials think we should do about assault weapons?**

A number of national law enforcement organizations support legislation to restrict assault weapons, including the National Sheriffs' Association, International Association of Chiefs of Police, National Association of Police Organizations and the Police Executive Research Forum, as well as the National Association of Counties, Inc., the United States Conference of Mayors and the American Bar Association.

**What legislative action has been taken so far to restrict semi-automatic assault weapons?**

Several bills have been introduced in Congress to ban the future manufacture and importation of semi-automatic assault weapons, most notably S. 386 by Senator Howard Metzenbaum (D-OH), H.R. 1190 by Congressman Fortney "Pete" Stark (D-CA) and H.R. 1154 by Congressman Samuel M. Gibbons (D-FLA) Chairman, Subcommittee on Trade. These bills would also limit the size of ammunition magazines. More than a dozen states are considering similar legislation including New York, Florida, Illinois and Texas. In California, both the Senate and Assembly have approved bills to ban assault weapons. Several cities, including Los Angeles and Cleveland, have recently banned the possession of assault weapons.

Chairman GIBBONS. Mr. Stokes.

## STATEMENT OF DEWEY STOKES, NATIONAL PRESIDENT, NATIONAL FRATERNAL ORDER OF POLICE, COLUMBUS, OH

Mr. STOKES. Mr. Chairman, members of the committee, I would like to thank you for the opportunity to appear and testify before you in connection with this very important issue. As you know, there are very few issues that are as important to the law enforcement community as that of attempting to limit the arms race on our public streets.

I am Dewey Stokes, national president of the Grand Lodge of the Fraternal Order of Police. The Fraternal Order of Police is the largest member organization of police professionals in the world, with over 198,000 members in the United States. The FOP has over 1,719 lodges in 45 States—and we hope to help Pat get reelected—and is comprised of local, State, and Federal law enforcement officers. It is, then, understandable that we are vitally concerned with the nature of the armaments of our adversaries.

A statement of the problem is easy, the news reports have already done this. At least on the surface, there are two solutions: One, increase the level of armament of law enforcement; or, two, decrease the level of armament of the enemy.

You will, of course, have noted that my terminology sounds more appropriate for a hearing on military budgets or foreign policy, yet the problem is, in many respects, similar. Clearly, the problem is becoming as important.

While the FOP is certainly in favor of adequately equipping law enforcement officers, we are strongly opposed to any action or inaction that simply causes an arms buildup and without legislation limiting that manufacture and/or importation of assault-type semiautomatic weapons, that is just what will have to happen. The vision of good guys and bad guys shooting it out on our Nation's streets, both sides armed with these weapons, conjures up visions of an urban battlefield, and battlefield casualties. We cannot allow this to happen. Yet, without Federal action, it is already happening. Examples of the consequences of criminal possession of these weapons are legion:

One, we all read with horror about Patrick Purdy spraying an elementary school in Stockton, CA, killing 5 and wounding 29 children and adults.

Two, a pregnant mother is killed in Norwalk, CT; a 6-year-old is killed in Philadelphia; a 3-year-old is killed in Miami; two people are killed and one is wounded in a Wisconsin courthouse; and on and on and on. These are just examples of the innocent bystanders being shot and killed.

Three, then there are the law enforcement officers who are forced to confront these weapons. In San Diego, a man is released from jail on bail for drug and weapons charges, buys a Norinco model 845.223 caliber semiautomatic assault rifle and kills one deputy and wounds two more. Los Angeles Police Detective Tom Williams is sprayed and killed by a man armed with a MAC-10 who wanted to prevent Williams from testifying. And the stories in law enforcement go on and on.

Four, finally, there are the examples of the gun battles between criminals. Black and Cambodian gang members trade fire at a Los Angeles housing project. Haitian and Medellin Cartel members exchange semi and fully automatic fire in Florida. And on and on.

We believe that there is no dispute on the following:

Semiautomatic weapons dramatically escalate the fire power of the user. Technical reports document fire rates of these weapons at 300, 400, or even 750 rounds per minute.

Larger numbers of these weapons are in private hands than ever before and the numbers are ever increasing.

Semiautomatic weapons are used increasingly by and are becoming the weapon of choice of the criminal element of our society.

Most semiautomatic weapons are relatively easy to convert to fully automatic, thereby increasing further their destructive power and the likelihood of death. We have seen this done in 9 minutes on television.

State laws have been largely ineffective in controlling the proliferation of these weapons.

Given these problems, the solution must be through national legislation that controls the source of the weapons. No; such legislation would not eradicate these weapons from the hands of all but military and law enforcement. But such legislation constitutes the only effective means of damage control available. To argue that simple enforcement of gun possession laws is sufficient begs the question because the enforcement of those laws will involve armed confrontations with the offenders.

We believe that the only effective means of controlling this problem is through the ban on importation of these killing weapons and the expansion of the ban of the transfer or possession of machineguns to include the carefully defined semiautomatic assault weapons. H.R. 1190 and H.R. 1154 accomplish these goals.

As you know, the transfer and possession of machineguns has been illegal since 1934. The reasons for the ban are obvious and no less valid with respect to semiautomatic assault weapons. These bills carefully define the weapons to be banned as those which we, your law enforcement officers, are being confronted with daily. We are not advocating wholesale gun control, simply a rule of reason and common sense. These weapons simply cannot be allowed to continue to fall into the hands of drug dealers, lunatics, and other criminals. We ask for your support of these bills, and stand ready to answer any of your questions you may have.

Chairman GIBBONS. I think all three of you gentlemen heard a discussion about the size of the magazine, and I must admit that my sportsmanship days were quite some time ago, but I don't think sportsmanship has changed that much.

What do you think about the size, the size of these magazines that we would license? The number of rounds that could be fired without changing magazines?

Mr. STOKES. I think if what you were talking about, and what Congressman Thomas was talking about, if there is an adequate sportsman, three to four rounds in a shotgun is sufficient.

Chairman GIBBONS. I think your testimony and the testimony of the previous witnesses indicate that a good sportsman needs three-to-four rounds maximum to accomplish his or her goal while hunting in the field. The fire power requirements of police officers and the military, of course, are expanded.

I think it is obvious that the weapons presented here today are antipersonnel weapons. They are manufactured and used with one intent and purpose, and that is to kill.

Mr. **Sullivan**. Mr. Chairman, if I may. In the case that I described for the committee, the Frank Thompson case, this young man was strung out on cocaine. We felt that if he had a revolver, as an example, six rounds, that he may have kidnaped the younger Mrs. Schwarz, taken her to her in-law's homes and may well have killed one or two people at that location and ran out of ammunition.

He was so badly burned out that he probably wouldn't have had the additional ammo with him or been able to reload. Yet, he had a MAC-11 with a 32-round clip. We recovered 19 of the cases in that case, and there were five rounds still left in that 32-round magazine. So, magazine is a legitimate issue for concern.

Mr. **Supenski**. I might add, relative to the magazine capacity, stated earlier in my testimony, that as you look at this definition, gun by gun, you will see that magazine capacities would vary. Now, I am a hunter.

The question was asked, how many do you need for deer? I bought my first rifle, a 94 Winchester, about 24 years ago. It holds seven rounds, I usually load four, and usually I can get two off, if I am lucky. Most of the time, I am not lucky.

I also use a handgun for sporting purposes, target purposes, and rarely need over 10 rounds to compete in either practical police courses or the traditional Camp Perry-type bull's eye courses.

So, rarely do you need anything exceeding that. You mentioned a number, but I think that number was sort of picked out of the wind. What you are trying to do is make it a "balancing act." What will fly? Certainly in a hunting weapon, most laws prohibit anything over three to five rounds anyway.

The question is something that we can, and reasonable people can work out. But it does differ from weapon to weapon.

Mr. Guarini.

Mr. **Guarini**. Thank you, Mr. Chairman.

Mr. Stokes, from your perspective as an expert on police matters, do you have an opinion regarding whether or not the semiautomatic assault weapons are used principally in America killing people more than they are for killing animals?

Mr. **Stokes**. I think you have definitely seen an increase in the availability of these weapons. As we move to try and control some handguns, we fail to and ignore the semiautomatics which are easily convertible as we have seen here today, I think definitely.

And I don't think we can sit back and treat a semiautomatic weapon as a measle epidemic and wait until it gets to epidemic proportions until we do something. We have waited long enough on drugs. I think that is where we are at, and our police officers in this country is facing daily.

Mr. **Guarini**. Is there any connection between drugs and weapons?

Mr. **Stokes**. Absolutely. A few years ago, we used to be concerned about primarily the Saturday night special. Now, there is so much money being generated in the drug trade, it is very seldom that you go into a crack house and turn up anything less than a MAC-10.

In the other night, just last week, we had three young men arrested in a crack house 17 years of age, with two MAC-10's. So I mean, money is no object when they are making the amount of profit that they are making on drugs, and then, of course, a spinoff of the drugs, as Pat testified to in just one incident.

Mr. **Guarini**. According to police reports around the country, these semiautomatic assault weapons are becoming weapons of choice of the drug dealers?

Mr. **Stokes**. Affirmative, sir.

Mr. **Supenski**. If I might add to the comment? Over the last 10 years, we used to average about 17 percent of the weapons confiscated and in our property room were basically your Saturday night special. Your cheap, low-caliber weapon. That is the weapon of choice for the street thief, the common mugger.

But in terms of sophisticated armament, in 3 years, in 3 years we went from less than 1 percent of the weapons seized as assault weapons to over 12 percent as of last month. And that is just 3 years. You heard the other statistics. That is bound to catch up to the cheap guns.

Mr. **Guarini**. You mentioned a poll. I understand that three out of four Americans, or actually 73 percent of all Americans favor a ban on semiautomatic assault weapons?

Mr. **Supenski**. I believe that was the Time-Life/CNN quote.

Mr. **Guarini**. And two out of three gun owners prefer a ban on semiautomatic assault weapons?

Mr. **Supenski**. I am very active in sporting and shooting circles in police. Civilians, and most of the people I talk to can't understand why this is happening right now. They don't use them. They don't own them. They don't need them.

Mr. **Guarini**. According to Dr. Knight, a New York City surgeon, he cites a 40- to 50-percent increase in assault gun wounds since 1985. Does that jive and concur with your information?

Mr. **Supenski**. Yes; the only reason the deaths are not higher is that we do such a good job in our shock-trauma units.

Mr. **Guarini**. Mr. Sullivan, you mentioned a ban on imports. I would like to ask the three of you, should there also be a ban on the domestic manufacturing of the semiautomatic assault weapons as well as banning the import? Should there be legislation passed, in your opinion, that would ban the manufacturing of these weapons except in the case of sales to military and police?

Mr. **Supenski**. In my opinion, absolutely. Unequivocally.

Mr. **Guarini**. Mr. Stokes.

Mr. **Stokes**. Yes. And I don't think you would want to export a disease we couldn't control to another country.

Mr. **Sullivan**. Sir, I feel that ones currently owned by our citizens should be brought under the National Firearms Act and go through the same licensing process described by an earlier witness, so that we don't get into a confiscation issue of property already owned by our citizens.

So that is where I might—may differ a bit.

Mr. GUARINI. Should we ban the sale of semiautomatic assault weapons manufactured domestically to the public and only sell to the police and the military? Is that your opinion?

Mr. SULLIVAN. Sales should only be on new weapons to the military and law enforcement.

Mr. GUARINI. What about the existing weapons?

Mr. SULLIVAN. Bring them under the National Firearms Act, where transfer would require the Stamp Act.

Mr. GUARINI. So they pay a fee, those that have the semiautomatic assault weapons, let them use it as long as they register them?

Mr. SULLIVAN. Correct, and then any transfer requires a background investigation.

Mr. GUARINI. Do you disagree with that?

Mr. SUPENSKI. That would be our position, also.

Mr. STOKES. I agree.

Mr. GUARINI. Thank you very much, gentlemen.

Chairman GIBBONS. Good.

Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Chairman.

Just some reactions to my colleague from New Jersey's plan. I don't understand why we place an artificial number on the quantity of those who want to use it for target shooting and other activities.

If someone goes through a background check, is fully qualified and is willing to allow a fee to be paid to have it registered, and go through a number of procedures to be used for target practice and other legitimate uses, I don't see any reason why those individuals could not obtain one, instead of creating, as I said, an artificial market of those who already have it.

The only way you can get it is to pay someone to go and have that registered. I think you are creating just as with the old tobacco certificates, an artificial inflation and a currency out there that we don't want to create.

But having said that, the rest of the conversation I generally agree with. I want to pin you down on magazines. I believe it was Sheriff Sullivan's testimony on page 3, you indicated you were—or we are unable to identify a single State that allows hunting with a weapon that has more than five rounds in a magazine.

Mr. SULLIVAN. That was a discussion on February 25 of the legislative committee. There were about a dozen, maybe 15 sheriffs in the room debating the various bills that have been introduced up to that time.

None of us, it wasn't any research project by any means—which were a good sampling across the Nation, could think of anywhere where you would use more than five.

Mr. THOMAS. In all of the discussion that we have had in terms of the practical use of a semiautomatic rifle and hunting aspects, it is difficult to see more than a three- or four-round magazine having much practical use.

Again, in target practice or in rapid fire, which are legitimate activities for folks who are registered and under a controlled arrangement, I can understand a desire to have a magazine that holds more than that.

But for over-the-counter, regular sales, is there any reason in any of your minds to have a magazine capacity of greater than five?

Mr. SULLIVAN. The only exception would be the U.S. Olympics target-shooting competition.

Mr. THOMAS. As I indicated for those folks willing to go through the registration procedure for legitimate target-shooting, rapid fire and other activities, but on a regular, over-the-counter sales basis, is there any basis to have a magazine with a capacity of greater than five?

Mr. SULLIVAN. In this discussion I indicated five as a number.

Mr. THOMAS. What is the rationale for doubling the fire power capability when everyone has discussed the irrationality of 10 shots in a hunting situation.

Mr. SULLIVAN. We did not break it out the way you have.

Mr. SUPENSKI. If I may, I believe the reasons for the 5, 10, or 15 shots discussed up to 25 at some point in time again is because when the bills were initially brought forward, they were bills with "generic definitions." Make no bones about it, I am unequivocally opposed to the monster magazines, some which hold up to 90. The reason for the 10 or 20 rounds is because some weapons, unless you go on a weapon-by-weapon basis when you deal with them, particularly handguns is because there are many handguns made for "competition" use that have a magazine capacity of greater than 10. And that is the sole reason.

But if you were to go weapon by weapon, I would concur with you. No, for a long gun there isn't. Not for a legitimate sporting purpose. The only thing it would require is a change of magazines. Then go from there to handguns differently.

Mr. THOMAS. One of the reasons we have a problem with the definition, as I stated prior to the panel coming up here, is that we are trying to be reasonable about this. I have a difficult time understanding why you are advocating a position of a 10- or 20-shot magazine to protect the Olympic shooting squad. Those situations are easily solved.

Anyone willing to go through an elaborate registration procedure, background check and financial involvement, because most of the time, these folks are looking at weapons that don't cost hundreds of dollars, they cost thousands of dollars. They are unique kinds of devices that are honed to perfection.

It is a sport where they have a major financial involvement as well, and it would not be a significant burden. Yes; it would be a burden, anything is, but it would not stop them from conducting the activity that they see as a sport and entertainment.

But it would, I think, solve a lot of problems over the sale, if you get the idea that if you are going to say we want to put limits on semiautomatic weapons and still let them have a 20-shot magazine.

Mr. SUPENSKI. We were trying to come up with a number that we thought was politically viable.

Mr. THOMAS. I don't want a politically viable number. I want your opinion. Is it necessary to have, for hunting and supporting activities, a magazine with greater than a five-shot capacity in your opinion, yes or no?

Mr. **Supenski**. In my opinion, as a sportsman, anywhere between five and 10.

Mr. **Stokes**. If you are limiting your question to shotguns, I don't see any reason for anything over five.

Mr. **Thomas**. No; semiautomatic rifles.

Mr. **Stokes**. If you use a semiautomatic rifle for hunting, I don't see where you would be concerned with anything over a magazine capacity over five. There is no place to use it. The legitimate sportsmen in this country are going to abide by the law and give the game the chance that we are used to be hunting under. They are not going to take a 20-round clip in the field.

Mr. **Thomas**. Back in the thirties, when machineguns were banned, I wasn't around then. One of the reasons, I guess, was the significant escalation on the part of criminal's firepower ability against law enforcement agencies.

And of course, the law enforcement agencies escalated, and went up to the machinegun level. Eventually, it was seen as the good thing to do, to ban machineguns.

The comment that I believe, Mr. Supenski, you had was the thing that I have seen missing from most of the discussion. If in fact the weapon of choice by these people who are more and more willing to use them in uncontrolled surroundings are semiautomatic weapons, it is inevitable that the average police response has to be a semiautomatic weapon, at least.

You can't send somebody into a situation with a nine-shot pistol or a five or seven-shot rifle, or an eight-shot shotgun, to go against a guy with a street sweeper.

Mr. **Supenski**. You are right. We made the decision this past week to go to 9 millimeters with 15-round capacities. We have already made the decision to put a fully automatic machinegun in our SWAT team.

If you had asked me 10 years ago, I would have said, no way.

Mr. **Thomas**. A SWAT team is one thing. But I think we have seen in a number of Warsaw Pact countries and other countries in which, normally, democracy is not the word that comes to mind on the street, your military and your police and quasi-military walking around with their AKA-47's and other machineguns in ordinary policing situations.

That is an arrangement that I would hope that we don't see in this country I think one of the reasons we went to banning machineguns was because of this escalation on either side. The logical thing to do is to try to deescalate the criminal side.

Now, those who will want to get them will get them. But by and large, the vast majority of people are not going to have ready access to them. This would relieve the problem of law enforcement agencies in most situations, domestic quarrels and others, not having to think that they have to go up against semiautomatic 23-cartridge weapons.

Mr. **Supenski**. I would agree with you wholeheartedly. That is one of the reasons we support a total ban on domestic and foreign importation and sales, because what you really are talking about is eliminating that pool.

We know how the bad guys get their guns, they get them from the good guys. We buy them and they steal them.

Mr. THOMAS. The total ban means that there would be a possibility for some kind of extraordinary registration procedure to make them available for those individuals or particular groups who have a legitimate use for them; outside of the narrow definition of military or police.

Mr. SUPENSKI. The framework for that already exists in Federal law.

Mr. STOKES. I think you have seen that in what happened pre-1934, what we have done since then. One of the arguments that you hear frequently is registered machineguns, registered, are not used in crimes.

Mr. THOMAS. Yes?

Mr. SULLIVAN. Congressman Thomas, I want to point out another illustration of the arms race that the colonel mentioned in his testimony. Based on what we saw in 1988 and prior, we were only carrying 38's. We are largely an urban county Sheriff's Department. We did a review of what we were running up against in 1988 and 1987. That review resulted in the authorization of the 9 millimeter and 45 for our officers as of January 11, 1988.

So, that is a direct response to the arms race locally occurring in response to these assault weapons. Yesterday morning, Sunday morning, in east Denver, about three blocks from being inside my county, we had a 15- and a 16-year-old spray fire from one of these assault weapons, spray fire four cars; when Denver police got them stopped, the 15- and 16-year-old, $1,500 in cash and 6 grams of cocaine; 15- and 16-year-old with assault weapons spray firing.

Mr. THOMAS. Thank you, gentlemen. Thank you, Mr. Chairman.

Mr. VANDER JAGT. I thank the members.

Chairman GIBBONS. You certainly have our deepest thanks and sympathies in having to face this kind of firepower out there. I have often tried to put myself in the position of a law enforcement person walking up on a car and not knowing what that fellow has in his lap, and asking to see his driver's license and having him come up with something that would splatter a lot of ammunition out there.

It is bad enough with the Saturday night specials and six-shooters and double-barreled shotguns and other things out there, but these types of weapons that we have been talking about today, have put a terrible premium on law enforcement—one that is unrealistic.

Mr. STOKES. Congressman I hope that you will remember what we have seen here with the vest, and the penetration of the vest, and if it wasn't for, as the colonel said about the trauma units saving lives, we would be beyond 153 law enforcement personnel at our memorial services.

In addition to that, I think the gunshot wounds that we talk about here are generating, in the study just read from the American Medical Journal, over $1 billion a year. We say to ourselves, why is Medicaid increasing and insurance increasing? This is just the beginning, when only 1.5 percent of that is paid by the individuals who receive that medical care.

So it is an important, all-around aspect that we are dealing with. Guns, drugs, and trauma.

Chairman GIBBONS. Thank you very much.

Mr. STOKES. Thank you, sir.

Chairman GIBBONS. Gentlemen, you may proceed as you wish.

## STATEMENT OF EMANUEL KAPELSOHN, EXECUTIVE DIRECTOR, AMERICAN SHOOTING SPORTS COALITION, AMBLER, PA

Mr. KAPELSOHN. Mr. Chairman, and members of the subcommittee, on behalf of the American Shooting Sports Coalition, I would like to thank you for this opportunity to be heard on this issue.

The American Shooting Sports Coalition was formed just slightly more than 1 month ago. It is comprised of manufacturers and distributors and retailers of firearms and ammunition and related products. About 8 days ago, I was appointed as executive director of the organization. So, I am here on fairly short notice to speak on this issue.

Chairman GIBBONS. We understand.

Mr. KAPELSOHN. This is a very difficult issue, and it concerns all of us very greatly.

I would like to just start with a personal note, and let you know that prior to my appointment, my full-time occupation has been that of law enforcement firearms instructor. I have conducted the instructor level training programs for the Washington, DC, Metropolitan Police and for police in many of our other major cities, and smaller agencies throughout the country.

So, the safety of the American public and of the law enforcement officer is very much a concern of mine, as it is of the manufacturers of guns and ammunition. Unfortunately, the ASSC believes that the solution to this problem is not as simple as prohibition of specific models of firearms.

A year ago, we were told that the weapon of choice of the criminal was the Saturday night special. We were told that these small handguns that were easily concealable should be taken out of public access, leaving to the law-abiding American long arms, shotguns, and rifles, because these were rarely used in crime.

Now, today, we are told that the long gun is the weapon of choice of the criminal, and we should take those out of access to the American public. This approach is akin to prohibiting Chevrolets when a drunk driver uses one to run down a pedestrian, and then when the next drunk driver uses a Ford, we prohibit Fords, and when the next uses a Buick, that becomes the "vehicle of choice" of the drunk driver.

We have all learned a lesson in this country, and that is to get at the drunk driver, we have got to deal with the drunk driver, not with the Chevrolet or the Ford or the Buick.

I listened to members of this subcommittee, I am sure in good faith, struggle with the issue of whether the allowed magazine capacity should be 3 rounds or 5 rounds or 8 or 10, and I have to say to myself that while these struggles are made in good faith, they are bound to be futile, because you can hardly believe that the criminal will be concerned over your 3-round regulation or your 5-round regulation, and if you want to prevent him from taping two magazines back to back, as has been suggested, it would make almost as much sense to try to prohibit tape as to limit the quantities of these magazines.

That will not affect the crime problem in this country. It will not affect the drug problem in this country. I am sorry that the array of weapons that made a cameo appearance here at the beginning of the hearing was taken away so quickly.

I have been a sportsman all my life. I have been a shooter since I was about 8 years old. My father taught me how to shoot. I have been a competitive target shooter. From time to time, I have been a hunter. I have myself used a number of those weapons that were up there on that table for what I consider to be sporting purposes, and I would regret it if the subcommittee were to go away thinking that "sporting purposes" means only hunting.

Yes, it is true that Federal migratory game bird laws restrict the magazine number capacity of a shotgun to three rounds and other laws for big game hunting like deer hunting limit capacity to five rounds for that purpose.

But I have always thought of target shooting as a sporting endeavor, too. I think something is a sport when people do it for recreation, and when you start to limit a firearm to three rounds before it has to be reloaded, you ban many of the kinds of shooting competitions as well as recreational shooting.

When I was a little boy, my dad taught me and my sisters how to shoot with a Winchester 22 rifle. You could load, I think, 14 22-caliber cartridges into that rifle. We used to enjoy loading that up and shooting it at tin cans set up along a fence. There was nothing of an assault nature about that, despite the fact that there were 14 cartridges in it.

The question was posed before of a previous witness, whether that witness thought that the majority of these types of rifles in ownership in this country were used for the purpose of shooting people.

I found that question unthinkable. I know hundreds upon hundreds of people personally who own these same kinds of rifles. I shoot with them in target matches. Last year and the year before both, I was the judge of the Annual Colt Cup Rifle Match in which men and women and teenagers, under their parents' supervision, assemble in Connecticut to shoot a bull's eye rifle match, using Colt AR-15 rifles.

There was nothing criminal about it, none of those people used those rifles to assault anyone. Most of these weapons, without a doubt, without a doubt are owned by law-abiding Americans who use them for lawful purposes of recreation and self-defense.

Now, if our position is that prohibiting a specific weapon will not prevent the drug dealer from getting a weapon, what will produce that effect? Our organization is committed to coming up with effective ways of keeping weapons of all sorts, not just assault weapons, any kind of weapon out of the hands of criminals, mental incompetents, mentally ill persons.

The thing that we have to propose at this point is this: We feel the most effective method would be a point of purchase screening of prospective arms purchasers as set forth, as mandated by the McCollum amendment, basically.

Our organization there, one of our member companies believes that by the end of this month, we will be able to demonstrate a viable system for point of purchase screening. This could be put into effect very much like the verification of a credit card at the point of purchase, and an individual's Social Security number would be used, and a small electronic unit which—the cost of which would be borne by each gun seller, each gun store, would be in place, and by accessing the NCIC criminal records, that person could be screened.

One month after that time, in other words, by the end of this May, we believe the technology will exist for that screening and verification to be conducted not only by Social Security number, but by the signature of the prospective purchaser of the gun as well.

Now, this type of procedure would work far more effectively than any waiting period. It would work more effectively than the banning of any specific types of firearms, because what it would do, it would focus specifically on the group that needs to be focused on. It would focus on people who should not have access to firearms.

It would prevent them from gaining legal access to firearms. This legislation, which would prohibit certain types of firearms from being brought into the country, and the suggestion made overtly by many of the witnesses is that it should be followed immediately or added to immediately by the inclusion of American-manufactured firearms, the purpose of this is simply to keep firearms out of the hands of law-abiding individuals who currently own and use them for law-abiding purposes. We stand ready to work with this subcommittee, with the BATF, with the Treasury Department, with anyone else who is willing to work with us to find effective measures to keep guns out of the hands of those who should not have them, but we urge this committee not to come down in favor of this legislation, which will prohibit firearms from lawful ownership.

[The statement of Mr. Kapelsohn follows:]

## TESTIMONY OF EMANUEL KAPELSOHN
## EXECUTIVE DIRECTOR
## AMERICAN SHOOTING SPORTS COALITION

Mr. Chairman and Members of the Subcommittee:

On behalf of the American Shooting Sports Coalition, I thank you for this opportunity to appear before you representing manufacturers, importers, distributors, and retailers of firearms, ammunition, and related products, as well as law-abiding gun owners. I ask that my entire testimony, as well as its attachments, be included in the record of these proceedings.

The American Shooting Sports Coalition (ASSC) was formed on March 6, 1989, with the following stated purposes and objectives:

1. To promote the needs and interests of the shooting sports industry, and to work for the betterment of the industry and everyone involved in the lawful use of firearms;

2. To promote legislative reforms conducive to the manufacture and sale of firearms, and to oppose legislation unreasonably restricting the lawful manufacture, sale and use of firearms;

3. To urge reforms of the criminal justice system, calling for the strict sentencing of criminals, especially those using a firearm during commission of a crime; and calling for the rights of victims to be given the same protection and concern as the rights of the accused;

4. To oppose the illegal use of drugs; to aid in the effort to make our society aware of the overwhelming grief that substance abuse is causing our nation; and

5. To coordinate and cooperate with other groups sharing the same objectives.

The initial membership of the ASSC consists of over 50 corporations, representing every aspect of the firearms industry. New members are joining almost daily. The organization has been incorporated, by-laws adopted, a board of directors established, and an executive director appointed. Offices are now being secured in Washington, D.C. and Pennsylvania.

Briefly, the position of the ASSC with regard to currently proposed legislation which would prohibit the importation, transfer, or possession of so2-called "assault weapons" is as follows:

Proposed bills, including H.R. 1154 and H.R. 1190, would prohibit numerous types of semi-automatic rifles, shotguns, and handguns which are currently, and have for many years, been legally owned and used by law-abiding Americans. Literally millions of individual firearms of the types to be prohibited are in private ownership in the United States at the present time. The overwhelming majority of these firearms are owned and used in a lawful manner for target and recreational shooting, hunting, self-protection, and firearms collecting.

H.R. 1154 designates as an "assault weapon" any firearm "specifically or primarily designed as a military or law enforcement armament, regardless whether the firearm (with or without modifications) is commercially marketed for any other use." Because many of the firearms popular for civilian use are modifications of firearms originally developed for military or police use, this definition will encompass and thus prohibit most of the centerfire semi-automatic rifles available today, as well as almost all of the full-sized semi-automatic pistols.

H.R. 1190 goes beyond even this broad designation with its inclusion of any firearm which "has been used for military, combat, or law enforcement purposes, or is similar in design or use to a weapon so designed or used." This language includes virtually every modern rifle, shotgun, and handgun.

The ASSC believes it would be unreasonable and unconstitutional to restrict the rights of an estimated 65 million American gun owners in a misguided attempt to deal with our nation's drug or crime problems by firearm prohibition.

The ASSC believes such a course of action to be misguided because (1) firearms prohibition is unlikely to make the prohibited types of firearms unavailable to the criminal element, and, (2) even if the prohibition did succeed in making the prohibited types of firearms unavailable, the response of the criminal element would undoubtedly to be obtain and use firearms of other types.

The current approach is akin to prohibiting Chevrolets because a drunken driver has struck down a pedestrian while driving one; then, when the next drunken driver causes a tragedy while driving a Ford, the prohibition of Fords, etc. Eventually -- and hopefully before *all models of cars are prohibited* -- it would dawn on the legislature that a more effective approach to the problem of drunk driving would be to deal with the drunken driver, not to prohibit the type of car driven. In the past few years, our nation has seen revolvers, semi-automatic pistols, bolt-action rifles, semi-automatic carbines, and shotguns used in the commission of tragic and saddening crimes. Last year, the small pistol (so-called "Saturday night special") was said to be the "weapon of choice" of the criminal. This year, the "weapon of choice" is claimed to be the "assault weapon", despite the fact that rifles are very rarely used in criminal activities of any sort.

The ASSC believes that neither the crime problem nor the drug problem are contributed to by the owning of firearms by law-abiding Americans, whether the firearms owned are semi-automatic rifles, semi-automatic pistols, semi-automatic shotguns, or firearms of other types, and regardless of whether the firearms owned have folding stocks, detachable magazines, or any other specific features.

To the contrary, the ASSC believes that the thing our nation must do is to implement effective measures to keep criminals, substance abusers, and the mentally disturbed or incompetent from obtaining firearms of any type, without prohibiting or unreasonably restricting the law-abiding American from firearms ownership. The most effective way to accomplish this is by a system for instantaneous screening of prospective firearms purchasers at the point of purchase, as called for the the McCollum Amendment.

The ASSC expects to be able to provide a demonstration of a workable and viable prototype of such a system by late April. It is our desire to demonstrate this prototype to the Department of Justice. The system will utilize the prospective purchaser's social security number, and will operate in much the same way as the point of purchase confirmation of a credit card to verify the prospective firearm purchaser's identity and legitimacy. By late May, ASSC expects to have available further technology which will permit the verification, over telephone lines from the point of purchase to a central data base, of a prospective purchasers' signature. It is estimated that the cost of such a system would be under $1,000 per unit. The cost of the units would be borne by the firearms dealers.

Effective and fair implementation of such a system would require carefully controlled access to the NCIC database, a requirement for thorough and uniform reporting to NCIC from the state and local levels, and the establishment of an appeals procedure for use by prospective firearms purchasers denied purchases by the system.

The ASSC stands ready to demonstrate the proposed system to the government, and to work with this Subcommittee, the Department of Justice, and others to put such a system into operations.

The proposed system would eliminate the need for a waiting period for the purpose of checking the credentials of a prospective firearms purchaser, would work far more effectively than would a waiting period, and would accomplish the goal of keeping firearms out of the hands of those who should not possess them, without unreasonably restricting the law-abiding firearms owner or overburdening the police in manually checking applications and records.

The ASSC urges this Subcommittee to accept our offer to work together to deal with the urgent problems of drugs and crime in effective and reasonable ways such as the above, rather than to prohibit specific models of legitimately-owned firearms as the scapegoats for these most serious problems facing our nation today.

Chairman GIBBONS. We will hear now from the National Rifle Association.

## STATEMENT OF DAVID W. CONOVER, FEDERAL LIAISON, INSTITUTE FOR LEGISLATIVE ACTION, NATIONAL RIFLE ASSOCIATION

Mr. CONOVER. Mr. Chairman and members of the subcommittee, thank you for this opportunity to represent the views of nearly 3 million law-abiding firearms owners who are members of the NRA.

There are currently six bills before Congress relating to semiautomatic rifles, shotguns, and pistols. The ownership of semiautomatic rifles and shotguns has recently been the target of a sustained media attack revolving around the phrase "assault weapon."

It is important to note that assault weapons already are barred from importation, and have been since 1986. A true assault weapon is a selective-fire military weapon. In other words, the firearm can be fired on full automatic, as a machinegun, or on semiautomatic, at the flip of a switch. Such firearms are machineguns for the purposes of Federal law.

H.R. 1154 and H.R. 1190 are not about assault weapons. Instead, those bills would ban firearms that have been internally redesigned to fire semiautomatic only. While those firearms may in some cases look like military firearms, they are merely semiautomatic firearms that are functionally indistinguishable from millions of firearms owned by law-abiding citizens for nearly a century.

The catalyst for the current media and legislative attention to semiautomatics was the heinous crime committed earlier this year by a deranged individual in Stockton, CA. The AKM-47 used by Patrick Purdy in his brutal murders was not converted to fully automatic fire, nor is it "readily convertible," as has been widely reported. That semiautomatic rifle is no more powerful, nor more rapid-fire, than any other semiautomatic hunting and target rifle owned by millions of Americans.

Despite those facts, the rifle used in that crime has been widely reported to be an assault weapon. And countless misinformed media reports have created the perception that drug traffickers and other violent criminals are arming themselves with firearms that have no sporting purpose, are easily converted to fully automatic fire, and are therefore assault weapons.

If such firearms existed, they would be covered already by the National Firearms Act and prohibited from importation. Again, however, the target of legislation before this body is not the assault weapon, but semiautomatic firearms that merely look like military weapons.

All of the available evidence demonstrates, Mr. Chairman, that military-style semiautomatics are not a significant factor in drug trafficking or violent crime. That much was admitted by the proponents of legislation before the Subcommittee on Crime last week.

Military-style semiautomatic rifles account for roughly one-half of 1 percent of the Nation's homicides. In Los Angeles, police testimony indicated that less than 3 percent of the firearms they examined were military-style semiautomatics and that they had never confiscated a semiautomatic AK or Uzi that had been converted to full-auto fire.

Only 2.2 percent of the firearms seized in San Francisco last year were military-style semiautomatics. And here in the Nation's Capital, of roughly 1,000 handguns involved in crime during the first 8 months of 1987, one-half of 1 percent were military-style semiautomatics.

Even if military-style semiautomatics were the weapon of choice for drug trafficking, H.R. 1154 and H.R. 1190 would not address that problem. According to the U.S. Justice Department and eminent criminologists, criminals simply do not acquire their firearms through the same channels used by law-abiding citizens.

And it is inconceivable to the members of the National Rifle Association that drug traffickers who make their living smuggling contraband would be deterred in any way from acquiring whatever weapons they need if an import ban is passed. Drug traffickers will continue to smuggle firearms and trade them on the black market.

The only people who will be deterred from buying imported semiautomatic firearms are those law-abiding citizens who choose to own them for sport, recreational and competitive target shooting, collecting, and personal defense.

Military-style semiautomatics are owned by law-abiding citizens, just as firearms based on military design have been favored by sportsmen throughout the history of firearms development. The single-shot, level-action, and bolt-action rifles which copied the 19th century military firearm in design were the universal choice of sportsmen until World War I.

By World War II, the United States was the only nation using semiautomatic firearms as standard equipment, and in the 1950's, civilians, too, sought semiautomatic designs for hunting rifles. There is nothing new about the popularity of military-style firearms, and there is nothing new about the semiautomatic mechanical action itself. What is new is the cosmetic appearance of some semiautomatic firearms, as once again some civilian shooters favor firearms resembling those used by the military.

Since the establishment of the sporting purposes test for importation in the 1968 Gun Control Act, semiautomatic firearms have been "generally recognized as particularly suitable for or readily adaptable to sporting purposes" as section 925(D)(3) requires.

H.R. 1154 would eliminate the sporting purposes provision as applied to military-style semiautomatics. Section 3 of H.R. 1154 provides that military-style semiautomatics be barred from importation regardless of any modifications to the firearm and regardless of any sporting "use" the firearms may have.

H.R. 1154 does contain a list of features that would prevent a firearm from being designated as an "assault weapon" by the Treasury Secretary. Most of the provisions apply to firearms that are not semiautomatic, but one provision deserves attention. Exception No. 8 provides that a firearm will not be designated an "assault weapon" if it "cannot employ a detachable magazine with a capacity greater than 10 rounds."

Mr. Chairman, this exception is meaningless. Any firearm that can employ a detachable magazine can employ a magazine of indeterminate size. That exception therefore excludes nothing, and all semiautomatic firearms that look like military firearms and employ a detachable magazine would fall under the prohibition.

H.R. 1154 also lists so-called assault weapons to be barred, both foreign and domestically made. The list includes rifles like the MINI-14, AR-15, FN, FAL, AUG, and HK-91, as well as others which are currently used or may be used in hunting and target competition. Again, however, H.R. 1154 ignores any legitimate use of these firearms, but would prohibit their importation on the basis of their cosmetic design only.

Proposals that deny the sporting purposes of semiautomatic firearms based solely on an outward, cosmetic appearance contradict the longstanding congressional mandate and administrative interpretations, not to mention the preferences of sportsmen as expressed in the marketplace. True semiautomatic designs are sporting, and lack of selective fire capacity precludes classification of these sporting firearms as assault weapons.

It is clear, Mr. Chairman, that criminals misuse firearms. They misuse firearms of all types, as was recently and tragically brought home through the murder of an Alexandria, VA, police officer by a criminal using a pump shotgun. Focusing on the particular type of firearm, whether semiautomatic or pump-action, means losing sight of the common element in any criminal misuse of firearms: The criminal himself.

Chairman GIBBONS. Thank you.

[The statement of Mr. Conover follows:]

## TESTIMONY OF DAVID W. CONOVER
FEDERAL AFFAIRS
NATIONAL RIFLE ASSOCIATION
INSTITUTE FOR LEGISLATIVE ACTION

Mr. Chairman and Members of the Subcommittee,

On behalf of the National Rifle Association of America, I thank you for this opportunity to appear before you representing law-abiding gun owners. I ask that my entire testimony, as well as its attachments, be included in the record of these proceedings.

Attached to this testimony are analyses of H.R. 669 and H. R. 1190. We have no detailed analyses of H.R. 825 and H. R. 1154, but those bills are easily summarized. What follows is a general critique of H.R. 669 and H.R. 1190, and a discussion of semiautomatic firearms, "gun control," and violent crime.

Let me say at the outset that the private purchase of new "assault rifles" has already been banned and has been since May 19, 1986. Assault rifles are included under the requirements of the National Firearms Act of 1934. Technically, the correct and only definition of an assault rifle is a selective-fire military rifle. As such, they are fully-automatic firearms, or machine guns and submachineguns, for the purposes of federal law. The rifle used by Patrick Purdy in his heinous crime in Stockton, California, is not an "assault" rifle, as has been so widely reported in the media. The AKM-47 (actually a Model 56S, a copy of the AKM-47) used by Purdy is a semiautomatic rifle functionally identical to millions of semiautomatic rifles owned by law-abiding Americans across the country, no more and no less. Semiautomatic firearms have been legally possessed in this country for almost one hundred years. According to testimony given in the Senate by BATF on February 10th:

> The AK-47 is a select fire weapon capable of firing 600 rounds per minute on full automatic and 40 rounds per minute on semiautomatic. The AKS and AK-47 are similar in appearance. The AK-47 is an NFA type weapon, having been manufactured as a machine gun. The AKS is difficult to convert, requiring additional parts and some machinery . . . . The AKS is a semiautomatic that, except for its deadly military **appearance**, is no different from other semiautomatic rifles. 'As a matter of fact, the identical firearm with a sport stock is available and, in appearance, no different than other so-called sporting weapons.

Millions of hunters and sportsmen own and use semiautomatic rifles and shotguns, and have for decades. Among the more popular current models for sporting use: the Ruger .44 Magnum Carbine, the Remington Model Four in .30-'06, Heckler & Koch 770 in .308, the Browning BAR .30-'06, the Remington Model 1100 shotgun, the Ruger Mini-14 .223, the Colt AR-15 .223, and the Springfield Armory M1A .308. The Remington Model 1100 alone has sold more than 3 million copies in the United States, the M1 Carbine more than 2 million since World War II.

Military model semiautomatic rifles and carbines have been sold to the general public for decades. Millions of M1 Garands, M1 Carbines, M1As (the civilian semiautomatic model of the Army's M-14 rifle), and AR-15s have been sold to private citizens over the last 40 years. These are all military model semiautomatics and are used in countless high-power target matches every year including the national matches at Camp Perry, Ohio. They are purchased by hunters, target shooters, and collectors.

In short, Mr. Chairman, the National Rifle Association will not assist or cooperate with anyone in banning or restricting semiautomatic target and hunting firearms some choose to erroneously call "assault weapons." You will remember previous debates in which the NRA worked with members of Congress and the Administration to craft meaningful definitions and meaningful legislation to address concerns that were shared by sportsmen and other groups concerned with public safety issues.

On the armor-piercing ammunition issue, as you know, the NRA first opposed legislation that would have banned hunting and target ammunition because of overly broad definitions. We worked with members of Congress and the Administration to develop language that precisely defined the issue at hand, met police concerns, and protected the nation's law-abiding firearms owners.

Similarly, on the so-called "plastic gun" issue, the NRA opposed legislation that would have banned fully-detectable firearms because of yet another faulty definitional standard. We again worked with members of Congress and the Administration to develop language that precisely defined the issue, and again helped to produce workable legislative language that passed both bodies of Congress nearly unanimously.

The attack on semiautomatic firearms is no less than an attack on an entire class of firearms that have been owned by millions of law-abiding Americans throughout this century. In a sense, the NRA's historic position on gun control, at times characterized as paranoia by our opponents, has been vindicated. Advocates of gun control have finally admitted that they are not interested in protecting the rights of law-abiding gun owners -- they are merely interested in eliminating any type of firearm whenever presented with an emotionally charged opportunity to do so. What was once an attack on handguns is this year an attack on rifles and shotguns.

### Critique of Proposals on Semiautomatic Firearms

Sportsmen have been told for years that the reason gun control advocates targeted handguns was because they were not suitable for militia use, hunting, or self-protection and were therefore not included under the constitutional safeguard of the Second Amendment. We are now being told by anti-gun advocates and certain politicians that precisely because many semiautomatic firearms useful for hunting and target shooting are patterned after their military counterparts, they should be banned or heavily restricted in the interest of public safety.

Today we are talking about the outright banning of an entire class of firearms that have been legally owned in this country for a century. In fact, legislative proposals in both bodies of Congress call for imposing federal felony prosecutions on law-abiding citizens that do not surrender or register their lawfully purchased firearms. It is just this type of ill-considered legislation that the Second Amendment is designed to protect against. And it is worth remembering that American citizens' constitutionally protected right to "keep and bear arms" puts the burden of proof on those whose first instinct is always to abridge that right.

One can imagine how defenders of the First Amendment would react if every time someone made a slanderous statement legislators were urged to restrict freedom of speech. The safeguards built into the Bill of Rights are not to be compromised or legislated away lightly -- especially not simply as a reaction to the actions of a homicidal maniac who repeatedly slipped through the cracks of a crack-ridden criminal justice system, and especially when those impacted are only law-abiding citizens. There is no rational reason to legislate against the inalienable rights of law-abiding individuals simply because some individuals abuse those same rights. Instead we should arrest, prosecute, sentence, and imprison the latter in an ongoing effort to protect the former.

Recognizing that many do not share our belief in those principles, I turn now to the specifics of proposals we have seen. Most bills introduced to date on the issue of semiautomatic firearms fail to distinguish between types of firearms in the manner of early drafts on the armor-piercing ammo and "plastic gun" issues. Unlike those issues, there is no middle ground between banning or restricting some semiautomatics on the one hand, and all semiautomatics on the other. The reason for that is simple: There is no functional difference between semiautomatic firearms of the type traditionally used in hunting or other recreational activities, and those which are patterned after military firearms of the modern age. That is why both an AKM-47 and a "traditional" Remington or Browning semiautomatic can be certified as having a sporting purpose on the one hand, and not "readily convertible," on the other.

Some proposals, H.R. 669 and H.R. 1190, attempt to redefine the term "assault weapon." In doing so, those bills encompass millions of semiautomatic firearms commonly used for hunting, target shooting, and self-protection. It is not possible to define "assault" firearms -- as H.R. 669 does -- based on their ability to "accept" large capacity magazines. Any firearm employing a box-type magazine is capable of "accepting" magazines of an indeterminate capacity. Even shotguns with integral tubular magazines are capable of accepting magazines of larger capacities. Thus, for these proposed definitions to mean anything, they must mean the prohibition of virtually all rifles and pistols, and all tubular magazine shotguns as well. The only exemption provided under this prohibition is the "surrender of any assault weapon to any Federal, State, or local law enforcement officer." There is no compensation in H.R. 669 for this surrender of property. H.R. 669 makes it a federal felony to continue to possess a lawfully purchased firearm covered by the act unless it is surrendered to the authorities within 30 days "after the date of the enactment of this subsection." This is the first attempt to confiscate rifles, shotguns, and handguns ever introduced at the federal level.

H.R. 1190 implicitly recognizes this definitional problem by failing to provide a definition at all. H.R. 1190 designates specific brand "types" of firearm as "semiautomatic assault weapons." Regardless of the effect of the term "type," firearms designated include semiautomatic versions of the Kalashnikov and the Uzi, the Ruger Mini 14 and the AR-15 Sporter. The first two are imports already approved by BATF as "generally recognized as particularly suitable for or readily adaptable to sporting purposes." The second two are domestic rifles widely used for hunting and competitive matches.

After failing to provide a definition, H.R. 1190 hands off the entire issue of definition -- in many ways the essence of legislation -- to the Treasury Department. Section 2(c) of H.R. 1190 purports to guide the Secretary by creating a new section of Title 18, providing for the designation by the Secretary of firearms as "semiautomatic assault weapons." Section 925A(b) details six factors for the Secretary to "take into account, among other things. . . ."

What the "other things" might be are not indicated in the bill, but the six factors include whether a firearm was "originally designed or has been used" for military or law enforcement purposes. Since military and law enforcement personnel use all types of firearms in the course of their training and duties, this guidance factor is so broad as to be meaningless. Another factor is whether a firearm was "originally designed for fully automatic fire" Many common semiautomatic rifles are copies of firearms originally so designed. To take just one example, the popular Browning BAR .30-'06 hunting rifle is based on the original Browning full-auto service rifle of World War II. That semiautomatic hunting rifle thus falls under both of these factors and would logically be classified as a "semiautomatic assault weapon" by the Secretary.

In addition to those broad guidelines, the Secretary is to consider "the degree to which" a firearm is "similar in design" to a firearm explicitly listed. Since all semiautomatic firearms are virtually identical in their mechanical operation, this provision can only be construed two ways. Either any semiautomatic could be covered, or the similarity would be considered on the basis of the physical appearance only. Under the second intrepretation, any manufacturer could then easily change the outward appearance of a firearm while preserving identical internal components, rendering this "factor" useless as well.

In addition to the guidance factors, Section 925 would require the Secretary to designate a firearm as a "semiautomatic assault weapon" if it is "substantially similar in design, function, and use" to a firearm listed (see below). The term "substantially similar" is nowhere defined in H.R. 1190. This provision has the same flaws as above, and would result in either a freeze on most semiautomatic firearms or would allow manufacturers to change the cosmetic appearance of firearms to produce them lawfully. These unnamed and undefined firearms would then be banned, and failure to register them would be a federal felony carrying a 10-year $10,000 fine.

H.R. 825 and H.R. 1154 similarly provide complete discretion to the Secretary of the Treasury in banning semiautomatic firearms. H.R. 825 authorizes the Treasury Secretary to ban the transfer and future possession of any semiautomatic shotgun or rifle based on "standards" established by a panel appointed by the Secretary. H.R. 1154 allows the Secretary to prohibit the importation of any semiautomatic firearm he finds to be "primarily designed" for military or law enforcement. The bill also lists specific firearms barred from importation. H.R. 1154 then allows the Secretary to prohibit importation of any semiautomatic that is "substantially the same kind of firearm" as any of the ones listed or any one based on a military design.

H.R. 1190 would also place currently owned semiautomatic firearms under the highly restrictive requirements of the 1934 National Firearms Act. If virtually all centerfire semiautomatic firearms are included -- as they appear to be -- untold millions of the nation's 65 million firearms owners will annually be subjected to a system that processed less than 100,000 individuals over a 52-year span. Conservative estimates indicate more than 20 million firearms currently possessed would be included under many of the proposed definitions. These Title II restrictions are a wish list for gun control advocates. They include a lengthy federal background check, registration, restrictions on transportation, fingerprinting, and a sign-off by local law enforcement. Yet these restrictions have not affected those drug traffickers using illegally acquired machine guns or illegally acquired and illegally converted semiautomatics to further their crimes. These criminals circumvent the system completely, and, by definition, always will. Needless to say, millions of hunters, competitive shooters, protective owners, and collectors should not be subjected to a system that has had absolutely no impact on machine gun use in violent drug trafficking crime. Millions of law-abiding gun owners and sportsmen will not sit idly by in contemplation of the several month procedure contained in the 1934 National Firearms Act. Further, there is no good reason relative to curtailing firearms abuse to subject law-abiding sportsmen who have owned semiautomatic firearms for decades to a system requiring them to submit federal registration forms to the Treasury Department and the F.B.I., and then ask for a sign-off from local law enforcement allowing them to keep the type of firearm their fathers taught them to hunt with.

At best, H.R. 1190 contemplates a form of super-waiting period, federal registration, and government background investigation in order to legitimize the ownership of a previously purchased, and previously lawful, semiautomatic firearm. In light of the rejection of that system in the 100th Congress, when the defeated proposal encompassed a seven-day, not a several-month, wait prior to the purchase of only pistols or revolvers it seems counterproductive to revisit that issue. The most troubling aspect of new proposals on this issue is that sportsmen were told last session that they should accept waiting period proposals because they would never extend to their rifles or shotguns. Mr. Chairman, this goes beyond the old adage: "give them an inch and they'll take a mile." The Congress refused last year to give that inch, yet some now expect them to give up that mile.

The National Rifle Association and untold millions of hunters, target shooters, and protective gun owners are prepared to fight every step of the way on this issue until this Congress begins to address serious problems -- recognized by all in this room regardless of their position on so-called "assault rifles" -- inherent in an abysmally inadequate criminal justice system.

### Lessons of the Purdy Crime Lost

The impetus for the media hysteria on this issue was the tragic crime committed by Patrick Edward Purdy on January 17th in Stockton, California. Notwithstanding the dangers of legislating on the basis of cover stories and headlines, the facts surrounding the true causes of that tragic crime have largely been ignored.

The semiautomatic rifle used by Purdy was not converted to fully-automatic fire, nor is it readily convertible, as has been reported by many. That rifle and semiautomatic firearms generally are used lawfully for hunting, and can be seen in the hands of target shooters at nearly every rifle range in the country. The very reason this rifle was first imported into this country -- its "sporting purpose" -- refutes the claim of those who call it a "weapon of war." And finally, perhaps to the surprise of some, there is absolutely nothing new about the mechanical function of that particular semiautomatic rifle. It employs a re-loading principle, the semiautomatic action, that has been employed in both military and sporting rifles for most of this century. It is no more "powerful" or more "rapid-fire" -- other misconceptions widely reported -- than any other semiautomatic hunting or target rifle owned by millions of Americans.

In short, the only thing new about this rifle is the misapplication of the label "assault" by people who are trying to ban it. We are hearing that these rifles are the "weapon of choice" for criminals loose on the streets. Just last year, Mr. Chairman, this Congress was asked to consider a national waiting period and background check for pistols and revolvers because they were called the "weapons of choice" for those same criminals. Lt. James Moran, the commander of the Ballistics Unit for the New York City Police Department set the record straight some weeks ago in the NEW YORK TIMES: "A rifle is not what usually is used by the criminals. They'll have handguns or sawed-off shotguns. You have more firepower with a 9-millimeter handgun than you do with an AK-47. . . . The rifle is big. . . . These drug dealers are more inclined to use the 9-millimeter pistol than go to a cumbersome AK-47 rifle." Evidence from around the country disproves the allegation that military-style semiautomatic firearms are disproportionately used in crime. Nationally, about 4% of the nation's homicides involve rifles, less than 1% are estimated to be of military caliber and roughly half of those could be considered military-style semiautomatics.

In Los Angeles, police testified that less than 3% of firearms examined were military style. Only 2.2% of firearms seized in San Francisco were military-style semiautomatic. And in the nation's capital, of roughly 1,000 handguns involved in crime during the first eight months of 1987, only 0.5% were military-style semiautomatics. Thus, it is clear to the NRA that most who propose restrictive gun control are not focusing on criminals and their guns, they only care about banning and or restricting firearms, period.

The real lesson to be drawn from the Purdy crime is that Patrick Edward Purdy was a criminal who ought to have been in jail rather than left free to roam the streets. Purdy had a seven-year history of involvement with the California criminal justice system. He had been arrested for the crimes of drug possession, solicitation of sex, illegal possession of dangerous weapons, receipt of stolen property, attempted robbery, criminal conspiracy, firing a pistol in a national forest, and resisting arrest. His plea bargains on some of these charges resulted in misdemeanor convictions only, not the felonies with which he was charged and should have been prosecuted. His last contact with the criminal justice system resulted in probation, even though his own probation report described him as a danger to himself and others. Because of the repeated failures of the criminal justice system, Purdy's lack of a felony record meant he could and did comply with and pass the 15-day waiting period and police background check required under California law to purchase five pistols. It was the criminal justice system that failed those five schoolchildren, and resulted in the tragic incident in Stockton, California.

In fact, the California probation system was the subject of an extensive study published in 1985 by the Rand Corporation and the National Institute of Justice. The National Institute of Justice concluded that felony probation "does present a serious threat to public safety." The Rand Corporation studied data on more than 16,000 felons, and recidivism data on a subsample of 1,672 who received probation in Los Angeles and Alameda Counties. The study found that:

- 65% of the total sample were rearrested;
- 53% had official charges filed against them;
- 75% of those charges involved burglary, theft, robbery, or other violent crimes;
- 51% were reconvicted;
- 18% were convicted of homicide, rape, assault, robbery, or weapons offenses;
- 34% were sent back to jail or prison.

Clearly, decisions regarding probation are being driven by concerns over prison overcrowding and not by determinations that certain individuals do not pose a risk to society.

As we meet here today, the combined failure of gun control and the criminal justice system is all around us. As you know, the District of Columbia has the most restrictive gun control laws in the nation. Handguns are banned, and even a bill similar to H.R. 669, Congressman Berman's semiautomatic ban bill, is in force. Yet violent crime is rampant in the city at levels far exceeding those experienced before the imposition of the D.C. gun ban. One reason for that may be found in the treatment of the two individuals who shot those youths at Wilson High School recently. They were charged with four counts and one count of assault with intent to kill, respectively. The first paid $2,250 to get out of jail on a surety bond. The second paid only $450. But we can take solace in the fact that they were ordered to obey a curfew. It's no wonder a teacher at another D.C. school was reported as saying: "What would they have had to have done to be denied bail . . . wipe out the whole school?"

Instead of improving the criminal justice system, gun control advocates are exploring new ways to disarm or restrict the law-abiding. As we meet here, the City Council is considering legislation to make handgun manufacturers strictly liable for the criminal misuse of their products -- despite the fact that handgun manufacturers are already virtually prohibited from selling their products in the District, and have been since 1976; and despite the fact that such a legal theory has been discredited in every state of the nation. The intention of the D.C. City Council and the gun control advocates generally in pushing this legislation is clear: export the District's failed gun ban by making firearms manufacturers uninsurable.

Yet across the United States, the private ownership of firearms by the law-abiding is a valid and valuable response to failures of the criminal justice system. Criminologists report that private firearms ownership is both a general and specific deterrent to violent crime and violent criminals. One independent study estimates that one million Americans use rifles, shotguns, and pistols each year for self-protection.

## NRA's Crime-Fighting Proposal

Today we are hearing the same tired proposals that sportsmen and gun owners have been hearing since the early 1900s. In the face of violent crime currently linked to massive drug smuggling and its financial profits, elected representatives in Congress and state legislatures call for making felons out of law-abiding citizens who insist on their right to own firearms. At the same time, the criminal justice system is apparently unable or unwilling to prosecute and jail the real felons. The NRA asks you to explore and consider every possible means of restricting criminals and improving the criminal justice system before legislating any restrictions that will only impact the law-abiding citizen, and may well aid the criminal.

Law-abiding Americans believe that criminals who violate existing laws should suffer the penalties. But the fact is, violators are not suffering those penalties. Criminal justice failures were widely reported earlier this week. USA TODAY called it "Getting Off Easy." That's an accurate phrase when the average drug trafficker received a sentence of only six years -- and then actually served less than two years. THE WALL STREET JOURNAL reported that less than half the people convicted of felonies nationwide went to prison. And that doesn't begin to address the real issue, since an indeterminable number of people charged with felonies plea bargain down to obtain only a misdemeanor conviction.

Therefore, we propose today a series of crime-fighting initiatives. We pledge to you today that we will support these intiatives with the same vigor with which we oppose restrictive firearms laws. These proposals can be supported by sportsmen, law enforcement, and any gun control advocates who really care about fighting crime.

First, we propose the assignment of at least one Assistant U.S. Attorney in each district to prosecute felon-in-possession cases under 18 U.S.C. 922(g). Increased funding for U.S. Attorneys was a feature of the omnibus Anti-Drug Abuse Act, and we support that funding.

Second, we propose a five-year freeze on repeat plea bargain agreements when individuals are charged with violent or drug trafficking crimes. The Purdy crime alone demonstrates the result of a plea bargain policy that has become all too common in the face of overcrowded court dockets and prison systems.

Third, we call for increased enforcement of the provisions of the Firearms Owners' Protection Act, Public Law 99-308. As you know, the law made it a federal felony, to be punished with mandatory penalties, to use or carry a firearm while committing a drug-trafficking offense. Last year, Congress increased those penalties in the omnibus "Anti-Drug Abuse Act." Any reluctance by the government to prosecute federal gun-law violators who have been arrested and charged with local offenses, but who are also violating federal laws against possession by felons, particularly of Title II weapons such as sawed-off shotguns or unregistered machine guns, must be addressed. If the Justice Department finds that firearms were acquired from out of state in an investigation of gun-running rings, the federal government should step in. This would assist local government in a number of ways. First, it would make real the largely rhetorical federal assistance in the "State Firearms Control Assistance Act" which is the first title of the 1968 Gun Control Act. Second, it would mean tougher jail sentences than may occur with merely local prosecution. And third, it would help with the problem of expensive and overcrowded state prisons by diverting the most serious of drug-trafficking offenders to the federal system.

Fourth, we support two measures aimed at increasing the nation's prison space. Initially, the federal government should look to those military bases which are scheduled for closure. With minimal expense, these bases could be converted to minimum security prisons for use by the federal government or by the states in which they are located. As a second step, the NRA is prepared to support reasonable funding mechanisms earmarked solely for the construction of Level III prison facilities to house the most violent criminal offenders.

Fifth, we support the establishment of a special, expedited death penalty for those who kill police officers in the course of committing a felony or who kill police officers' family members in retribution for the performance of their duties.

Sixth, we look forward to working with members of Congress and the Administration to ensure that the mandate of the McCollum substitute to the so-called "Brady Amendment" is carried out: That the Attorney General report to Congress this fall with a program that will allow for the accurate and instantaneous screening of firearms purchasers at the point of purchase.

We are confident that broad support for these proposals can be garnered from most of the groups represented in this room today. We are also confident that reasonable individuals will agree that these proposals hold far greater promise for reducing the nation's appalling level of violent crime than does any ill-conceived and misdirected gun control proposal. Thank you.

Chairman GIBBONS. Mr. Snyder.

## STATEMENT OF JOHN M. SNYDER, DIRECTOR, PUBLIC AFFAIRS, CITIZEN'S COMMITTEE FOR THE RIGHT TO KEEP AND BEAR ARMS

Mr. SNYDER. Mr. Chairman, and members of the subcommittee, please accept my thanks for this opportunity to testify before this body on the matter of firearms legislation, H.R. 1154, introduced during this First Session of the 101st Congress.

With all of the public attention being given this general subject subsequent to the horrendous January 17 slaying of 5 schoolchildren and the wounding of 27 others with the use of an imported semiautomatic rifle in Stockton, CA, by Patrick Edward Purdy, who also took his own life, I am most grateful to the subcommittee for the chance publicly to offer my thoughtful reflections on this tragedy and on the subsequent reactions to it.

It would be well to recall at this juncture the August 1, 1966, incident in which Charles Joseph Whitman climbed the clock tower which dominated the University of Texas campus at Austin and began a 96-minute terror spree in which he killed 16 people and wounded 20 more.

It would be well to recall that particular incident, because in it, Whitman did most of his mayhem with a bolt action Remington model 700 in 6 millimeters, but finally was pinned down by police and armed citizens, including one firing an automatic rifle, a tripod or bipod-mounted M-14, thus limiting the mayhem Whitman was able to cause and making it possible for Austin police officer Ramiro Martinez to position himself for the final, savage encounter in which Martinez slew Whitman.

By recalling the 1966 Austin incident, we easily can see the beneficial use to which automatic rifles in the hands of law-abiding private citizens can be put. Unfortunately, though, we live in an era of apparent unreasoning reaction to irrational acts.

How else can one explain the senseless attack on the right of tens of millions of law-abiding American citizens to acquire and possess certain firearms, in this case semiautomatic firearms, tens of millions of which now legally are owned, when the Stockton incident calling forth this senseless attack indicates a breakdown in the criminal justice system's willingness or ability to protect citizens from criminals?

It almost appears that the spear carriers in this senseless attack effectively have been sucked into the cynical program developed by professional promoters of restrictive firearms legislation, one group of which, the Educational Fund to End Handgun Violence, stated in a recent pamphlet that:

> The semiautomatic weapons' menacing looks, coupled with the public's confusion over fully automatic machine guns versus semiautomatic assault weapons, anything that looks like a machine gun is assumed to be a machine gun, can only increase that chance of public support for restrictions on these weapons.

This latest attack on the right to keep and bear arms, carried out in legislative halls and in certain media, has even taken on a macabre and ghoulish quality, as manifest on a recent national weekly magazine cover depicting a surrealist skull superimposed on a distorted map of the lower 48 United States hovering over crossed assault rifles. "Armed America," the cover proclaims, "More guns, more shootings, more massacres."

A number of significant facts have been overlooked in the mad rush to ban semiautomatic firearms. New York Police Lt. James Moran told the New York Times, February 5, 1989, for instance, that hardly any of the 16,370 weapons seized by the police during 1988 were so-called assault rifles.

Similar reports are available from other police departments. In Washington, DC, police Lt. Reginald Smith told the Washington Post, March 6, 1989, that the Metropolitan Police rarely encountered an assault rifle.

A March 5, 1989 article in the San Diego Union documented that assault weapons comprised 1 percent of the 4,800 firearms confiscated by the San Diego Police in 1988, and were involved in eight of the city's 144 homicides.

According to a report appearing in the March 13 issue of the Akron, OH, Beacon-Journal, Akron Patrolman Robert Offret, who works in the police department's property room, says that about 400 firearms are seized each year in Akron, and that only about 2 percent of them could be classified as assault weapons.

As the 1966 Austin incident mentioned earlier in this statement indicates, firearms, including automatic firearms, in the hands of law-abiding private citizens, can be necessary in restoring the peace and assisting the law enforcement community in the maintenance of public order.

In that incident, law enforcement officers and civilians, including one man firing an M–14, acted together in firing so as to rip off chunks of concrete from the protective wall around the observation deck where Whitman was located. This forced Whitman to keep low and fire through drainage slits, and made it possible for Officer Ramirez, with Whitman so occupied, to approach the Whitman position.

It should also be noted, in connection with the 1966 Austin incident, that two police officers, George McCoy and Jerry Day, along with armed private citizen Allen Crum, had worked their way up the tower to a position near Whitman's position. When Crum began firing so as to ricochet a volley of bullets off a corner of the tower in order to draw Whitman's attention to himself, the ploy worked and Whitman began firing in Crum's direction. This gave Martinez the opportunity to round the corner for his final confrontation with the mass murderer.

Other incidents also serve to indicate the necessary cooperation between law enforcement officers and armed citizens which can develop in fighting crime. In Buffalo, NY, during the blizzard of 1977, public authorities called on truckers to arm themselves and to assist the police in their struggle against thieves, robbers, muggers and other violent criminals.

In that same year, during the Johnstown, PA, flood, the mayor told the city's citizens that they had to be able to defend themselves against criminals since public safety officials were so heavily engaged in dealing with the situation created by the flood that they could not deal with much of the crime which might arise.

Without reference to such notable specific cases as these, one could note generally that semiautomatic firearms are kept by citizens for home protection and by farmers and ranchers for use against farm pests and wild animals.

In this age of international terrorism, when warnings come regularly to the public regarding the possible outbreak of terrorist attacks against American citizens within the United States, it would show a callous disregard not only for the rights of American citizens, but also for our safety if Congress were to enact legislation making it difficult or impossible for law-abiding American citizens to obtain the firearms with which our lives and the lives and safety of our loved ones could be protected.

Legislation which would limit the private possession of firearms only to those arbitrarily designated as suitable for sporting purposes would, in effect, deny the right of law-abiding citizens to keep and bear arms for the defense of their lives, the lives of their loved ones and their property.

That, in addition to denying the natural and Second Amendment right to keep and bear arms, implicitly would deny the most basic of all rights, the paramount right from which the other civil rights flow, the right to life itself.

Terrorists and other criminals will not be stopped by antigun laws, including laws against importation of certain kinds of firearms, from acquiring or using firearms against the innocent. Why pass laws to prevent the innocent from getting the firearms, whether made here or abroad, they may need to protect themselves against terrorists or other violent criminals?

It is possible, too, that well-organized and well-armed bands of terrorists could seek to undermine the very stability of the U.S. Government, as they already have done to so many other governments around the world. In such a situation, a well-armed, law-abiding citizenry, such as we now enjoy in the United States and which may at least implicitly have been foreseen by the framers of the second amendment, could act to assist the government in thwarting such a move or series of moves. Why ban or restrict the arms with which the citizens could assist the government?

While we certainly hope that no American Hitler or Stalin ever arises in the United States, we also should make sure that one of the factors that can prevent that from happening, that is a well-armed citizenry, never is eliminated or dissipated by unwise antigun legislation.

Recently, we witnessed the international spectacle of the mighty Soviet Army turning tail and removing itself, retreating, if you will, from Afghanistan. This would not have happened if it were not for the fact that the Afghans are an armed citizenry, including with semiautomatic firearms, and that they are not afraid to fight for their freedom.

How do you account for the fact that the mighty Soviet military machine, which has kept the disarmed citizenries of Eastern Europe and of many other parts of the world subjugated for so long, has had its hat handed to it by the rag-tag Afghans if you do not take into serious account the armed nature of the Afghan population?

While we may not like to admit it, the same point could be made with regard to the Vietnamese who fought so successfully for so long with small arms, including semiautomatic firearms, against our own modern equipped and armed military forces in Southeast Asia.

If the Polish people were well-armed today, do you think its freedom-loving spokesmen would have to go toadying to the Communist government for even a modicum of the rights and freedoms we take for granted in this country with our armed citizenry?

Do you think the Ethiopian genocide through deliberate massive starvation on the part of the government there ever would even have gotten off the ground had the Ethiopian citizenry been armed?

While some may scoff at these and similar citations, the fact of the matter is they are real and we should not overlook the obvious lesson to be gained from a consideration of them. An armed citizenry is an obstacle to tyranny and subjugation and a disarmed citizenry has been and may be an invitation to such tyranny and subjugation.

Given these considerations, Mr. Chairman and members of this subcommittee, why let public charlatans get away once again with a further perpetration of the snake oil of gun control on the American public?

There is ample general evidence to indicate that gun control is not the crime control panacea its promoters would have Congress and the public believe that it is.

For 75 years now, we have had the Sullivan law in New York State on the books. For over 20 years, we have had the Federal Gun Control Act of 1968 on the books. For over 10 years, we have had the straitjacketing District of Columbia antigun law on the books. Even in Canada, there has been a tough antigun law on the books for 10 years.

At the time of each of these laws' enactment, the promoters of each one of them assured the public that each one of them would be effective in fighting crimes committed with firearms. Yet, the rates of crime committed with firearms are higher now than they have ever been before this. Why? Obviously, gun control is not the answer.

For over 50 years now, fully automatic rifles, machineguns, so thoroughly have been regulated that it has been impossible for private citizens to obtain one without a Federal permit. To the best of my knowledge, not one of these legally acquired and possessed firearms ever has been used in the perpetration of a criminal act. Yet we know that machineguns have been used by criminals in the perpetration of criminal acts.

What does this tell you about gun control laws but that law-abiding citizens abide by them but criminals do not?

The same can be said about sawed-off shotguns Rigorously restricted for 50 years, they still are a favored weapon of criminals, especially bank robbers. There you have it. Gun control has not worked, does not work and will not work in fighting crime.

Gun control infringes on the right and freedom of law-abiding Americans citizens. It is time for Congress to get off the backs of tens of millions of law-abiding citizen firearm owners and, as I outlined in some detail last week in testimony before the House Judiciary Subcommittee on Crime, to get on the case of violent criminals. As I outlined in that testimony last week, one of the proposals I include is an implementation of a law passed last year by Congress.

Another is a requirement that people who are accused of violent felonies be forced to either plead—to either plead guilty to the felony as a felony or to have the charge dropped by the accusing authorities, and then any plea bargaining be done over the sentencing rather than the charge itself, so that people like Purdy who had committed many felonies, but had them plea-bargained down to misdemeanors and therefore had not had a felony record, was able to purchase firearms which he would not have been able to purchase had he had a felony record.

I would support the death penalty for people who kill police officers or public safety officers generally in the line of duty. I think that, Mr. Chairman and members of the subcommittee, is the way to deal with this, crimes committed with guns, whether they are exported or deported or transported.

The problem is not the guns, the problem is the people who misuse the guns in the perpetration of crimes. In my opinion, the direction of legislation should be in that area, and not in the general area of stomping on the rights of law-abiding American citizens.

Thank you.

Chairman GIBBONS. Mr. Snyder, should Americans be allowed to carry Stinger missiles?

Mr. SNYDER. Well, if they are in the military, they should be issued them.

Chairman GIBBONS. I am talking about citizens.

Mr. SNYDER. I don't know that your bill deals with Stingers.

Chairman GIBBONS. No, it doesn't. You can't carry those. You were advocating a well-armed militia was—I just wondered why, if you want to follow that out to the extreme, why don't we allow people to carry Stinger missiles around?

Mr. SNYDER. You know, the real extremists in this context are people who are denying the right to carry firearms. I don't think Stingers necessarily would be included in the parameters of this discussion, because Stingers are not personal arms. Semiautomatic firearms are.

Chairman GIBBONS. They are personally—one person can carry a Stinger and one person can load it, fire it, and many, many people were very successful in knocking down helicopters and aircraft in Afghanistan with Stinger missiles. Apparently that is what turned the tide in Afghanistan.

Mr. SNYDER. That turned the tide and enabled them to defeat the Soviets. But the thing that enabled them to keep the Soviets at bay until our government finally got on the stick and sent them the Stingers was the fact that they were well armed. True, they did not have the Stingers until we sent them to them, but they were well armed with what I would call personal firearms, including semiautomatic firearms.

And it was the fact that there were so many Afghans that were armed with these firearms that they were able to prevent their entire country from being subjugated until the Americans acting as a cavalry came to the rescue with the Stingers.

Chairman GIBBONS. When I was a soldier, we had a 57-millimeter recoilless rifle that you could fire from your shoulder. Do you think I ought to be allowed to carry that around?

Mr. SNYDER. I don't think that is what we would refer to as a personal arm. Semiautomatic rifles are personal arms.

Chairman GIBBONS. It is just a matter of definition.

Mr. SNYDER. Also, we are talking about a change in legislation—we are talking about proposed legislation rather than what already exists here.

Chairman GIBBONS. I am just trying to follow up on where you draw the line as to what is a well-armed militia. How about a 3.2 bazooka?

Mr. SNYDER. I didn't mention a well-armed militia in my testimony. You brought the subject up, Mr. Chairman. I did not.

Chairman GIBBONS. I thought you did.

Mr. SNYDER. I did not use the words, "a well-armed militia."

Chairman GIBBONS. Sorry. I thought I heard you say something like that.

Mr. SNYDER. I talked about a well-armed citizenry.

Chairman GIBBONS. A well-armed citizenry. Excuse me. I knew I heard something like that. Where is the end of the argument? You certainly won't allow people to carry shoulder-fired atomic weapons around?

Mr. SNYDER. No.

Chairman GIBBONS. How about a 45-caliber submachine gun?

Mr. SNYDER. Mr. Chairman, it is my understanding that we are discussing a certain type of legislation here. If you want to have a hearing on philosophy, why don't you designate you are going to have a philosophic hearing. But it is my understanding that this was a hearing on certain——

Chairman GIBBONS. All those weapons work on the same principle. They either work from a gas-operated piston or they work on a recoil principle. You know, the barrels vary in length and some have higher range and others have lower. Some feed from a clip, some feed from a magazine. Some have self-contained magazines. They are all essentially the same weapon.

They look a little different. Currently now, apparently the law is that you can't import a weapon into this country if it is not, if it has not got some sporting use or predominantly for sporting use.

Mr. SNYDER. Why are we having the discussion on the imports? The fact of the matter is none of these firearms which are under discussion in the bill would even be the subject for legislation if it were not for the fact that the government agency responsible for making these designations already indicated they were sporting firearms?

The fact of the matter——

Chairman GIBBONS. They change their mind now.

Mr. SNYDER. Under law, as it exists, you know, the only type of firearms that may be imported, as I understand it, are those that fit the sporting purposes test; right? That means they wouldn't be here illegally if the BATF had not already designated them sporting firearms.

Now, because of a few incidents which have been highlighted by the media, they are going to turn around and say these are not sporting firearms? It seems to me either way, the BATF looks kind of silly, frankly. So, by the way, does Congress.

Chairman GIBBONS. Well, that is our job.

Mr. SNYDER. To look silly? To look silly?

Chairman GIBBONS. Well, you know, that is our job, to put it out there and see what it looks like.

Mr. SNYDER. I see.

Chairman GIBBONS. Congress drew the second amendment to the Constitution, and it passed, didn't send it on to the public. The public adopted it. What do you think those people had in mind when they talked about firearms in those days? They didn't have anything other than muzzle-loading smooth bore weapons to even think about. None of them were automatic, and none of them were——

Mr. SNYDER. Neither did their enemies have automatics.

Chairman GIBBONS. No; but I think the Congress probably was made up of a reasonable cross section of people. I don't think Congress ever anticipated that we would have weapons other than the fact that you had to load them by pouring in the powder and by pushing in the wadding and by pushing in the ball and then putting powder in the flash pan out here and holding it up. It is a pretty heavy thing to hold up.

There were no automatic weapons. Nobody even talked about them in those days when the Congress developed the second amendment.

Mr. SNYDER. Mr. Chairman, at the time, there were no typewriters or electric typewriters or computers or electronics of any kind, or radios or television. And yet, it is not generally thought that the Bill of Rights, because of the fact it was written in the 18th century, prohibits freedom of speech, be it television, radio and modern newspapers, and the use of typewriters and even modern fountain pens.

Chairman GIBBONS. Do you think anybody back in those days thought that you would have anything other than a single shot, muzzle-loading weapon? I have studied weapons, and I don't find anybody that even talked about them.

Mr. SNYDER. They didn't talk about typewriters or television, either.

Chairman GIBBONS. Maybe it would have been a good idea if they had.

Mr. SNYDER. Yet, the freedom of speech and press and so on clearly covers the—you know, the right of the press today to use television and typewriters. Also, take the other freedom, freedom of assembly. They didn't know about airplanes or railroad cars or even automobiles. Yet, you are not going to say that because the Founding Fathers didn't know about airplanes, you are going to prevent people to get on airplanes to go to meetings, to lawfully assemble; right?

Chairman GIBBONS. Right. None of those instruments, per se, are quite as deadly as a gun. They had wagons, they had horses.

Mr. **Snyder**. In the last 10 years, there probably have not been as many people killed with the misuse of semiautomatic firearms than are killed in the crash of a single major airline.

Chairman **Gibbons**. I am afraid you are right. We ought to do something about that. We have been very lax, and we ought to do something about that. I think you are right. I think we ought to inspect every airplane real well before it takes off, to make sure there is not any contraband on it. It is possible to do it that way without violating any of the amendments, any of our personal liberties. We have become very slovenly in our approach to the problem.

I was trying to figure out how far you fellows want to go with individual weapons.

Mr. **Snyder**. We certainly want to go as far as semiautomatics, which is the topic under consideration today; right?

Chairman **Gibbons**. That is right.

Mr. Guarini.

Mr. **Guarini**. Thank you, Mr. Chairman.

I understand that the semiautomatics can, with a little modification be turned into fully automatics; is that correct?

Mr. **Conover**. No, it is not correct, Mr. Guarini. The fact is while all semiautomatics can be converted to fully automatics with varying degrees of difficulty, the Bureau of Alcohol, Tobacco and Firearms has exercised the authority to reclassify any semiautomatic that is readily convertible to fully automatic fire to a machinegun.

Mr. **Guarini**. I understand someone with some talent knows where to file, that the semiautomatic could be triggered into. I am not an expert in that.

Mr. **Conover**. All of the imported rifles have to pass very stringent tests, so they are not readily convertible or they will not be certified for importation.

Mr. **Guarini**. I have been told by police they would be. I understand that you, the NRA, are for fighting the machinegun ban; is that correct? Your official position is that not only should semiautomatic weapons be allowed, but also fully automatic weapons should as well be allowed to the public?

Mr. **Conover**. Fully automatic firearms are available to the public now under the strictures of the National Firearms Act, those which were registered prior to May 19, 1986, can still be transferred.

We believe that system worked relatively well for 50 years.

Mr. **Guarini**. Isn't it the intention of NRA to fight the machinegun ban imposed by the McClure-Volkmer bill?

Mr. **Conover**. We think freezing the importation was a mistake.

Mr. **Guarini**. And you want to fight machinegun ban as a high priority? You are not only against semiautomatic assault weapons but you are also against even fully automatic weapons being banned?

Mr. **Conover**. Yes, sir; our highest priority is fighting this legislation. We don't have time to look at getting a day of hearings as to what good the freeze on lawful registration of fully automatic firearms did. Never has a crime been committed in this country with a lawfully owned fully automatic firearm in 52 years.

Mr. GUARINI. Do you think that people should be able to go in unfettered and buy a semiautomatic assault weapon, not have any registration, not have any check on the purchase, be able to buy it over the counter and walk out of the store immediately upon purchase with a semiautomatic weapon in their arm?

Mr. CONOVER. We supported the McCollum-Staggers amendment last year, which supported an instantaneous check of any person of any firearm. We believe that is an adequate check to allay the concerns of those people who don't like the idea of free people walking out——

Mr. GUARINI. What about a 7-day check, which was proposed this past year, to be able to adequately check on the purchase of any guns? You are against a full check on people who have guns in their hands?

Mr. CONOVER. An instantaneous system envisioned by the McCollum-Staggers substitute would be a full check. It can be done within the space of an hour or two. If Visa can do it for credit card purposes, then certainly the Federal Government can do it for gun purposes.

Mr. GUARINI. I think that is expecting too much of the computer age to be able to expect someone from Colorado to walk into another State and be able to be checked immediately and be able to know whether or not that person is a felon or a responsible person.

How do you stand with felons? Do you think they should have an opportunity to have these guns? Do their rights pertain to them under the Constitution, under the second amendment of the Constitution? Shouldn't a felon have the same right as anyone else? They are still citizens? They should have the right that other members of the Constitution afford.

Mr. CONOVER. A convicted felon gives up his rights under the second amendment.

Mr. GUARINI. Therefore, you restrict the 10 amendments to the Constitution, Bill of Rights, of a felon only in regard to the second amendment; is that correct? Does he have the right of the first amendment? Does he have freedom of speech, freedom of assembly?

Mr. CONOVER. I believe so. I don't believe he has the right to vote.

Mr. GUARINI. You only go in that one particular regard. How do you explain the fact that two out of three gunowners, according to polls taken, favor the banning of assault weapons? Don't you agree that there have been CBS and Time polls taken, and most of the gunowners are against the free handling of assault weapons?

Mr. CONOVER. Most gunowners know that assault weapons are selective fire military weapons, and they believe they are prohibited by law currently.

Mr. GUARINI. Colt Manufacturing Co., is very well informed. Haven't they been against the proliferation of these assault weapons to the public? Didn't they voluntarily impose a ban on themselves?

Mr. CONOVER. They withdrew sales of the AR-15, which is not an assault weapon. It is a semiautomatic weapon used in hunting and target shooting. It looks like an M-16, which is an assault weapon, but the AR-15 is clearly not an assault weapon.

Mr. GUARINI. How do you expect the increase in popularity—we were just told by the weapon people that fire—firearm people that there are 920 some odd thousand applications that are in the process of being made, and that is 10 times what we have of semiautomatic assault weapons in our country.

How do you explain this great surge that we have, demand for semiautomatic weapons?

Mr. CONOVER. I think the publicity has made semiautomatic firearms that look like military firearms in great popular demand. Criminals are not applying for those import permits, not going through the legal parameters currently required to buy firearms legitimately.

This exercise is completely misdirected. It is directed at law-abiding citizens and the type of firearms they choose to own.

Mr. GUARINI. You say it is the sports people that are in demand—have these weapons in demand. These almost million assault weapons are to go into the hands of sports people?

Mr. CONOVER. They are not assault weapons. They are semiautomatic rifles that look like military rifles. Yes, sportsmen, whether they are hunters, recreational target shooters or competitive target shooters, use these firearms on a daily basis. If the phone calls and letters into our office are an indication, they are upset about this ban.

Mr. GUARINI. These 920 some odd thousand potential importations should be allowed by the alcohol and tobacco and firearm people to go to the public under your hypothesis?

Mr. CONOVER. Yes, sir; those firearms are no different than any other semiautomatic firearm. They are functionally identical to semiautomatic rifles and shotguns of the kind owned by the citizens in this country for nearly a century.

Mr. GUARINI. Do you think we should put a greater emphasis in regard to our general safety and sanity in our society rather than the recreational use that you claim these guns should be put to?

Mr. CONOVER. I think we ought to be punishing criminals and not looking at ways to take away guns from law-abiding citizens.

Mr. GUARINI. How do you explain the fact that Mike Espy and Senator Barry Goldwater now refuse to support the NRA position on assault weapons? How do you explain that, sir? And how do you explain that two NRA members testified last week before one—before the Crime Subcommittee where they had changed their position, and they had gone against NRA's position on assault weapons, and that across the country that there is a very strong impression that the NRA is getting away from what their own members want?

Is there a division between 16 Rhode Island Avenue and the membership of the NRA because there seems to be a diversity in opinion between your members and your board of directors?

Mr. CONOVER. Our membership always believed we should fight for the right of law-abiding citizens to own rifles, shotguns and pistols. With this issue, you are driving right to the core, whether banning firearms is going to deter drug trafficking and violent criminals and whether law-abiding citizens have a right to own firearms that they use for lawful purposes, the membership of the National Rifle Association is united in believing that law-abiding citizens have a right to own firearms and gun control is no answer to the problem of violent crime and drug trafficking.

Mr. GUARINI. Senator Goldwater, who was a lifetime NRA supporter, said:

> I'm completely opposed to selling semiautomatic rifles. They have no place in anybody's arsenal.

Mr. CONOVER. There are many hunters that do not use semiautomatic firearms, sir, but that does not mean there are not millions more that do.

Mr. GUARINI. Would you agree our drug problem in the streets and communities of America is reaching an uncontrollable level, that there is a great alarm for the drug problem we have in our country?

Mr. CONOVER. No question about it.

Mr. GUARINI. And many of the people who are drug dealers have been using these symbols and weapons as a part of their arsenal?

Mr. CONOVER. As I stated in my presentation as contained in our written testimony, the data indicates otherwise. It is clear criminals have been misusing all types of firearms, but they are not predominantly using military style semiautomatic rifles.

Mr. GUARINI. You listened to the various police crime prevention bureaus of Baltimore, and the sheriff in Colorado, and the national president of the National Fraternal Order of Police this afternoon, did you not?

Mr. CONOVER. Yes, I did.

Mr. GUARINI. Clearly their position is quite different from yours in regard to the data and to their opinion as to whether or not guns, assault weapons, are used in drug related crimes?

Mr. CONOVER. I have not seen data from those individuals. I have heard their opinions, yes, sir.

Mr. GUARINI. Would you say your position at NRA is completely divergent from the experience of the official police and of the professional police that we have in our country?

Mr. CONOVER. No, sir; as contained in my testimony, police testimony, in Los Angeles before the California General Assembly was clearly to the effect that military style semiautomatic firearms were a minute fraction of those firearms used in drug trafficking and violent crime.

The same can be said in Washington, DC, New York City, San Francisco, all around this country. There is clearly a problem with criminal misuse of firearms, but it is not a problem of criminals using any one particular type of firearm.

Mr. GUARINI. In Washington, DC, there is a record number of murders this year which are mostly all drug related and weapons are used; is that correct?

Mr. CONOVER. Firearms are used, yes, sir.

Mr. GUARINI. And that there is a correlation in the data that police seem to assemble in regard to drug increase and arm usage?

Mr. CONOVER. Firearms of all types, yes, sir.

Mr. GUARINI. Thank you very much.

Chairman GIBBONS. Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Chairman.

Mr. Kapelsohn, let's establish credentials before we get started here. I was in support of the McCollum-Volkmer record. Check my voting record. I am not a cosponsor of this legislation, et cetera.

Don't use the analogy of automobiles in terms of seizing Chevys or Fords. The function of the automobile is transportation. The society has decreed that it has to be operated in a certain fashion. There has to be certain qualities about it. If the brakes aren't appropriate, it can be taken off the streets. It can be taken off the streets if the lights aren't appropriate. It is the manner in which the automobile is equipped and/or used, not the automobile itself.

What we're talking about here is a piece of legislation which deals with a particular type of firearm, not firearms in total. That is why I guess the analogy really misses the point.

Mr. **Kapelsohn**. Excuse me, Mr. Thomas, was that a question? If it was, I would like to be permitted to respond.

Mr. **Thomas**. No; it was not a question. It was a statement. It is my personal opinion. You can do with it as you wish.

Mr. Snyder, you said this was not a hearing on philosophy. Except for the statement of H.R. 1154 in the introductory paragraph of your testimony, I find little specific reference to the legislation. I find a whole lot of philosophy in terms of your opinion about the way the world is.

For example, on page 4, second paragraph, you indicate that in addition to denying the natural and second amendment right to keep and bear arms, it would implicitly deny the most basic of all rights, the paramount right from which the other civil rights flow, the right to live, itself. Criminals would not be stopped by antigun laws, et cetera.

Why pass laws to keep the innocent from getting the firearms whether made here or abroad? They may need to protect themselves against terrorists or other violent criminals.

I am not a cosponsor of H.R. 1190, but it clearly says also on page 4 that the classification, and we will talk about this term semiautomatic assault weapons, does not include any of the following.

So this legislation does not deal with a single-shot weapon, any weapon that does not use fixed ammunition, was in production before the calendar year 1899, may only be operated manually by means of a bolt, slide lever, or similar action, is a pistol or rifle with an ammunition feeding device capacity of 10 or fewer rounds of ammunition, uses rim fire ammunition, employs a tubular magazine or uses 22 caliber fire ammunition.

It was testified by members on your panel that most of the figures, and I believe you indicated as well, most of the figures of these so-called semiautomatic assault weapons were only 2 to 3 percent of the total weapons that are being confiscated.

So with all of these excluded, which I assume pretty well covers the 98 percent of the other firearms, how in the world does this specific piece of legislation fit in with this statement that you have made on page 4, or is this rather a broad, sweeping, philosophical statement rather than addressing the specific legislation in front of us?

Mr. **Snyder**. Are you asking me a question?

Mr. **Thomas**. Yes.

Mr. **Snyder**. Mr. Thomas, whether you are talking about the ability of someone to protect his life and the life of his family and so on, you are talking about something very specific, it would seem to me. I would certainly think——

Mr. **Thomas**. Do these paragraphs include a single-shot weapon? That is banned from this legislation. It isn't involved in this legislation at all. It is excluded.

Mr. **Snyder**. It is banned?

Mr. **Thomas**. It is excluded. That doesn't apply. This sweeping statement here, why pass laws to prevent the innocent from getting firearms they may need to protect themselves against terrorists or other violent criminals. This sweeping, broad statement doesn't apply to this piece of legislation where single-shot weapons are concerned; do you agree?

Mr. **Snyder**. The legislation doesn't apply to single-shot weapons?

Mr. **Thomas**. My statement applies to the legislation under consideration, not to what is not under consideration.

Mr. **Thomas**. To obtain the firearms they may need to protect themselves, do people use single-shot weapons to protect themselves?

Mr. **Snyder**. Of course they do.

Mr. **Thomas**. What about a weapon in production before 1899? Anyone keep one of those around?

Mr. **Snyder**. I am sure they do.

Mr. **Thomas**. They may be operated manually by means of a bolt, slide lever or similar——

Mr. **Snyder**. They certainly do.

Mr. **Thomas**. A vast majority of weapons are in that category. How does that apply to this statement about preventing innocent people from getting firearms to protect themselves?

Mr. **Snyder**. To prevent them from getting these firearms.

Mr. **Thomas**. It is these particular firearms that fall under this general philosophical statement about preventing people from getting weapons to protect themselves? All of these weapons are available for self-protection, but this statement applies to specific semiautomatic so-called assault weapons in this legislation?

Mr. **Snyder**. That is what is under consideration.

Mr. **Thomas**. Would you extend that to machineguns?

Mr. **Snyder**. That is not under consideration here, is it?

Mr. **Thomas**. None of these others are, either. Would you extend it to machineguns?

Mr. **Snyder**. The legislation isn't—the legislation involving machineguns isn't under consideration, nor is legislation dealing with single-shot weapons or any of these other specifications; but this statement is a general sweeping statement.

Mr. **Thomas**. Does this include machineguns?

Mr. **Snyder**. I don't know.

Mr. **Thomas**. You don't know. It is your statement. I wondered what you meant by it.

Mr. **Snyder**. As I pointed out in my testimony, the, you know, the machine gun ban which has been in effect for over 50 years has been obeyed by law abiding citizens to so great an extent that not one legally acquired has ever been used in a crime.

Yet, we know that machineguns have been used in crimes. As I pointed out in my statement, that indicates that this has not worked as a crime prevention tool.

Mr. **Thomas**. Do you believe there would be more machineguns used by criminals if they were not totally banned?

Mr. **Snyder**. You see, criminals by definition are people who do not obey the law.

Mr. **Thomas**. Why aren't more machineguns used by the criminals?

Mr. **Snyder**. Congressman, they are used.

Mr. **Thomas**. More often than semiautomatic weapons?

Mr. **Snyder**. I have no idea.

Mr. **Thomas**. Mr. Conover, do you have statistics to indicate how often machineguns are used by criminals?

Mr. **Conover**. The BATF figures I saw last week were that confiscated machineguns, illegal machineguns, were down last year. The reason for that is clearly because semiautomatics are not readily convertible to machineguns.

Mr. **Thomas**. Or semiautomatics are more readily available.

Mr. **Conover**. Everything is available to a criminal on the black market.

Mr. **Thomas**. Are they available in quantities of 1 million or more?

Mr. **Conover**. I have no idea.

Mr. **Thomas**. You have no idea. Could you give me some feeling on that, or do you wish not to make a statement?

Mr. **Conover**. The availability of firearms on the black market?

Mr. **Thomas**. Full automatic machineguns available on the black market.

Mr. **Conover**. I don't think that is quantifiable, sir.

Mr. **Thomas**. OK. Do you believe there are fewer of them on the market because they are totally banned in this society?

Mr. **Conover**. No.

Mr. **Thomas**. No. Mr. Conover, you indicated you are upset with the term assault weapon. I understand you define assault weapon as a weapon which you are able to select the fire on, either fully automatic or semiautomatic; is that correct?

Mr. **Conover**. That is not just our definition, but that is the definition.

Mr. **Thomas**. That is your definition as you are using here.

Mr. **Conover**. And the Defense Department.

Mr. **Thomas**. In this legislation on page 3, it defines a semiautomatic assault weapon. Is that a term that doesn't make sense to you? Are you familiar with the term semiautomatic assault weapon rather than just the term you have used, assault weapon?

Mr. **Conover**. I believe the term is being used to create an image as to specific characteristics of a firearm that do not match its mechanical capabilities.

Mr. **Thomas**. That is reading into assault a particular definition.

Mr. **Conover**. There is a particular definition, sir.

Mr. **Thomas**. Now it is called a semiautomatic assault weapon. And you are offended by the term semiautomatic assault weapon because it isn't a proper definition of the weapon? Is that the problem?

Mr. CONOVER. I am not offended by the term. What I do not like is the fact that the word assault weapon is being used to describe a category of weapons to which it does not apply.

Mr. THOMAS. They are called semiautomatic assault weapons. They are creating a new category, and you disagree with their ability or their use of creating the new category?

Mr. CONOVER. Yes, sir.

Mr. THOMAS. You would prefer they call it a military style semiautomatic weapon?

Mr. CONOVER. Or military look alike or patterned after a military design.

Mr. THOMAS. It is the term assault that bothers you in the phrase semiautomatic assault weapon?

Mr. CONOVER. Yes, sir; because gunowners recognize it has a specific meaning, and it is conjuring up a specific meaning in the public at large. That accounts for the polling results cited here today.

Mr. THOMAS. They have a list of specific, what they call semiautomatic assault weapons. AK-47, one type of Kalishnikov rifle. The semiautomatic Kalishnikov is used, was created for what purpose?

Mr. CONOVER. So that it could be imported into this country as a hunting and target-shooting firearm.

Mr. THOMAS. The design was not a—was it created for that purpose, the design itself?

Mr. CONOVER. The semiautomatic design?

Mr. THOMAS. The AK-47.

Mr. CONOVER. The external characteristics of the firearm resembles a military weapon, but the internal mechanisms were redesigned.

Mr. THOMAS. Why?

Mr. CONOVER. So they could be used by sportsmen in this country.

Mr. THOMAS. Why did they have to be redesigned?

Mr. CONOVER. For many years, ATF recognized semiautomatics as per se a sporting purpose and that is the differentiation they have made since 1968 between those firearms that are semiautomatic and those firearms that are fully automatic.

Mr. THOMAS. Why did they have to modify the AK-47 to bring it into this country?

Mr. CONOVER. Because that is the requirement of the law.

Mr. THOMAS. Because the law would not have allowed them to bring in the original AK-47.

Mr. CONOVER. Well, prior to 1986, they could have, yes, sir.

Mr. THOMAS. So what you have here is a change to meet the laws of the United States or these particular weapons could not have been imported in the first place; is that correct?

Mr. CONOVER. No. Well, they are designed, they are internally redesigned so that they are sporting weapons under the U.S. law, yes, sir.

Mr. THOMAS. In other words, they redesigned them so that they could bring them in, because if they didn't redesign them, they would be illegal?

Mr. CONOVER. And they would be different firearms.

Mr. **Thomas**. They would be illegal if they didn't redesign them to meet the laws at that time?

Mr. **Conover**. Correct.

Mr. **Thomas**. We can change the law and require them to restructure their firearms?

Mr. **Conover**. I am not quarreling with your ability to change the law. We are saying that drawing the line based on cosmetic appearances of a firearm is not the correct line to draw.

Mr. **Thomas**. I understand that. What I am asking is are you willing to give us any assistance whatsoever in drawing the line?

Mr. **Conover**. The lines have been drawn. We don't believe that functionally indistinguishable firearms ought to be distinguished upon on the basis of cosmetic appearances.

Mr. **Thomas**. If you folks maintain that line, then you are drawing the line between banning semiautomatics or assisting in controlling particular types of semiautomatics. If you don't wish to make that distinction and don't want to participate in the legislative process, I understand that.

You really ought to be concerned. Perhaps you are not. The former president of the NRA is very, very concerned about the direction that your organization is going. We are not talking about prohibiting American people from owning firearms. That is not what I am about. I am about supporting the second amendment to the Constitution.

But whether you have a societal position which clearly indicates that there is a desire to take some action, I am trying to mitigate this process of those folks who want to ban these kinds of weapons.

You folks aren't helping very much because you want to engage in a kind of—and if you will allow me, an arrogant requirement that people use your definitions or they don't understand anything about weapons; that they have to use your definition.

There is no reason in the world why someone can't decide to call something a semiautomatic assault weapon. You can take affront with that. You can try to get them to say a Mickey Mouse look alike semiautomatic, whatever the phrase is, to degrade what they are trying to do; but I am telling you, you aren't going to advance either your interests or their interests. In my opinion, this one you are going to lose.

Therefore, it ought—it behooves you to perhaps back up a step or two and reexamine where you are going. The argument that this is a denial of an individual's right to own firearms simply is not going to sell. You have an entire list of weapons here that are excluded from this. Most people would say, "I agree with you."

The vast majority of Americans would say a bolt action, a slide action, a lever, single-shot, rim fire ammunition, we ought not to ban those. Whether it comes to these types of weapons, whatever you call them, however you might want to classify them, the ability to pull the trigger and send 30 to 40 shots into a group of people is a weapon which this Congress is going to ban because the society wants it banned.

How we go about it is largely up to you folks. Either it is done in a gross way which does not get directly at particular problems or it is done in a sweeping method which does more danger because it is going to be done. I am asking you folks to rethink your position because there are many of us who are in the middle, who understand your concern about the second amendment to the Constitution, and who we believe will carry out a protective role in that second amendment.

But just as it didn't extend to machineguns and submachineguns, automatic weapons, it is probably not going to extend to these semiautomatic weapons.

However we define them or whatever we call them, it is not a debate in definition. It is a debate in killing weapons. That is the debate. It is not definitional. Don't hang it up on whether or not somebody uses the term properly. It is the weapon itself that is a problem, not the definition.

You can respond, if you want.

Mr. CONOVER. I would say it is the criminal himself that is the problem, Congressman.

Mr. THOMAS. I agree with that. We are going to do everything we can on that side. I come from California. I was one of the first voters, use a gun, go to jail. After all of that is said and done, you still have a weapon here which is, in my opinion, unacceptable to be available on a general over-the-counter basis.

Mr. CONOVER. Why?

Mr. THOMAS. Because of its fire power capability.

Mr. CONOVER. But it is no different from any other semiautomatic rifle.

Mr. THOMAS. Then maybe we ought to talk about banning all semiautomatic rifles. That is the position that you want to assume, then it will be assumed. If that is where you want them to go, that is where it is going to go. I think it is permissible to deal with registrations. I think there is a way to control it.

I think we want to judge whose hands they go into very carefully. But I think there can be and there is going to be a restriction on their use. Either you are a part of that so it is done properly, or you are not a part of it, and it is done in an overly gross way in your opinion.

To continue to argue this is a fundamental attack against the second amendment to the Constitution is an argument, in my opinion, that the American people don't buy. They don't believe the second amendment extends to semiautomatic weapons such as these. They will fight for your rights on these other areas, but they will not be with you on this one, nor will I.

Thank you very much, Mr. Chairman.

Mr. VANDER JAGT. No questions, Mr. Chairman.

Chairman GIBBONS. I also want to thank you for coming in today. We appreciate your contribution to this hearing.

This concludes today's hearing. Several members have indicated that they may have written questions to submit to the Bureau of Alcohol, Tobacco, and Firearms for responses on the record. The record will therefore remain open until April 21

[The questions and responses follow:]

# QUESTIONS FOR THE RECORD -CONGRESSMAN BILL THOMAS-
# SUBCOMMITTEE ON TRADE - HEARING ON
# IMPORTATION OF ASSAULT WEAPONS - APRIL 10, 1989

Treasury:

1. Can we expect the current "temporary import freeze" to be lifted after the Department's administrative review? If not, why not?

2. Provide for the record a complete list of all firearms that are covered under the DOT "temporary import freeze".

   --And all those firearms warehoused by the "freeze"
   --Who is paying to warehouse them?
   --How much does it cost?
   --Who is paying for the security?
   --How much is this costing?

3. Provide for the record Treasury's agenda for administrative review--i.e., subjects, dates, public notice, procedure, time, location, witnesses to be called.

4. Did Colt Industries lose its military M16 contract?

5. Have they been having strikes and union problems for the past 3 years?

6. Is it an accurate statement to say Colt Industries' firearms sales represent less than 5% of their overall revenues each year?

## ANSWERS TO QUESTIONS FOR THE RECORD - CONGRESSMAN BILL THOMAS-SUBCOMMITTEE ON TRADE - HEARING ON IMPORTATION OF ASSAULT WEAPONS - APRIL 10, 1989

Treasury:

1. Can we expect the current "temporary import freeze" to be lifted after the Department's administrative review? If not, why not?

   The Bureau of Alcohol, Tobacco and Firearms (ATF is now conducting a ninety-day industry survey on the sporting uses of the various semiautomatic rifles. Based on the results of that survey a decision will be made with regard to lifting the ban.

2. Provide for the record a complete list of all firearms that are covered under the DOT "temporary import freeze".

   See attached press release.

   --And all those firearms warehoused by the "freeze"

| | |
|---|---|
| AK-47 type | 7,750 |
| Steyr-AUG | 1,250 |
| HK 91 type | 650 |
| AGM-1 | 15 |
| Total | 9,665 |

   --Who is paying to warehouse them?

   The importers.

   --How much does it cost?

   $5,550.00 through 4/11/89.

   Who is paying for the security?

   The importers.

   How much is this costing?

   Included in storage fees, not separately billed.

NOTE: The above figures are estimates, based on the best available information as of April 11, 1989.

3. Provide for the record Treasury's agenda for administrative review--i.a., subjects, dates, public notice, procedure, time, location, witnesses to be called.

   Pursuant to discussions between William T. Bennett, Director, Office of National Drug Policy, Treasury Secretary Brady, and ATF Director Higgins on March 14, 1989, Director Bennett announced that Secretary Brady had decided to suspend, effective immediately, the importation of several makes of assault-type weapons, pending a decision as to whether these weapons are, as required under section 925(d)(3) of the Gun Control Act of 1968 (GCA), "particularly suitable for or readily adaptable to sporting purposes."

   On March 28, 1989, a letter to importers who had import applications pending with ATF was sent out, advising them that there would be a delay in processing their applications pending an assessment of whether their particular firearm met the statutory criteria for importation.

   Questionnaires have been drafted and will shortly be sent out to licensed hunting guides, State game and wildlife commissions, local hunting associations, competitive shooting groups, and firearms and sporting magazine editors, which seek information on the sporting uses of assault-type rifles. ATF has requested these individuals and organizations to submit the requested information within 30 days, and has set an overall time period of 90 days in which to gather the information, complete the evaluation of these firearms, and make a decision on their importability under the statutory standard. The results should be in and a report prepared by mid-June.

4. Did Colt Industries lose its military M16 contract?

   According to media reports, the military contract will not be renewed upon it expiration in 1990. The Department of Defense would have military contract details.

5. Have they been having strikes and union problems for the past 3 years?

   Yes, again, according to media reports.

6. Is it an accurate statement to say Colt Industries' firearms sales represent less than 5% of their overall revenues each year?

   ATF has no knowledge of the financial details as to sales volume or revenues of Colt Industries. That information would be available only from Colt to the best of our knowledge.

BUREAU OF ALCOHOL TOBACCO & FIREARMS NEWS
WASHINGTON, D.C. 20226 [illegible]

April 5, 1989

Temporary suspension of the following semiautomatic firearms announced March 14, 1989:

AKS Variants
AK47 type
AK47S type
AK74 type
AKS type
AKM type
AKMS type
ARM type
84S type
84S1 type
84S3 type
86S type
86S7 type
87S type
Galil type
Type 56 type
Type 56S type
Valmet M76 type
Valmet M78 type
M76 counter sniper type

FAL Variants
FAL type
L1A1A type
SAR 48 type

Other
AUG type
FNC type
Uzi carbine

Suspension of additional semiautomatic firearms announced April 5, 1989:

Algimec AGM1 type
AR180 type
Australian Automatic Arms SAR type
Beretta AR70 type
Beretta BM59 type
CIS SR88 type
HK91 type
HK93 type
HK94 type
G3SA type
K1 type
K2 type
AR100 type
M14S type
MAS223 type
SIG 550SP type
SIG 551SP type
SKS type with detachable magazine
AK22 type
AP74 type
Galil/22 type
M16/22 type
Unique F11 type
Erma EM1.22 type

[Whereupon the hearing was adjourned.]
[Submissions for the record follow:]

Ellis
MERCANTILE CO.
169 NORTH LA BREA AVENUE, LOS ANGELES, CA 90036 (213) 933-7334

April 20, 1989

RECEIVED
APR 2 1989
SUBCOMMITTEE ON TRADE

Congressman Sam M. Gibbons
House of Representatives
Subcommittee on Trade
Committee On Ways & Means
1136 Longworth Bldg.
Washington, DC 20515

Dear Congressman,

Last Friday I had the opportunity to meet with Michael Hickey, of the Subcommittee on Trade staff. As I told Mr. Hickey, I certainly support the need for some sort of assault rifle regulations.

I understand that your subcommittee is meeting soon and hope that you will be able to address the concerns of the motion picture industry.

Our company has supplied props for the filmmaking community in Hollywood since the early part of the century. Prop houses such as ours take great pride in having safely and legally provided firearms ranging from "Six-Shooters" to military rifles which solely utilize blank firing cartridges.

A variety of firearms, including assault weapons, are possessed and maintained legally by studio prop departments and independent prop houses, but solely for use in motion picture and television productions. These firearms are not accessible to the public, and when not in use, are kept in locked storage vaults. When operated on movie sets, they fire only blanks, and are under the supervision of qualified prop masters.

Presently, film industry firearms are routinely registered, and the owners, whether studios or prop houses, possess the appropriate licenses. The film industry maintains an excellent working relationship with the California Department of Justice and Federal Bureau of Alcohol, Tobacco, and Firearms. We are committed to our responsibility that business is conducted legally and safely.

However, the industry is concerned that provisions of assault weapons legislation would limit our ability to supply motion picture studios with certain firearms. This would negatively impact the entertainment industry in many areas.

Ellis Mercantile and the film production community support efforts to restrict the availability of assault weapons to the general public. I hope that the subcommittee's assault weapons legislation can be crafted so that it will not limit our ability to supply the motion picture studios with certain firearms. We strongly urge that you consider these concerns in order to avoid any unfortunate and unintended adverse effects on our industry.

Film industry representatives and I are willing to meet with you as soon as possible to discuss our concerns in detail. Please feel free to call me with any questions.

I would appreciate if this letter would be included in the committee's hearing record.

Best wishes,

John E. Ferris

John E. Ferris
Chief Executive Officer
Ellis Mercantile Co.
Director
Hollywood Chamber of Commerce

# TESTIMONY OF PHILLIP C. McGUIRE

# LAW ENFORCEMENT ADVISOR FOR

# HANDGUN CONTROL, INC.

Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to provide this testimony today. As some of you know, I recently retired after more than 26 years of service with the Treasury's Bureau of Alcohol, Tobacco and Firearms, where I most recently held the position of Deputy Director and Associate Director for Law Enforcement. In that capacity, I was responsible for all enforcement activities of the Bureau nationwide. I am pleased to offer this testimony today in my present role as Law Enforcement Advisor for Handgun Control, Inc., a citizens group organized to prevent gun violence.

On behalf of Handgun Control, Inc., I would like to commend you, Mr. Chairman, for your leadership on this very important public safety issue. Assault weapons represent a growing threat to law enforcement personnel and the general public.

More and more Members of Congress have seen that within the complex gun issue, distinctions can be made. In 1986, Congress closed the loophole which allowed importation of Saturday Night Special parts; stopped the manufacture and importation of new machine guns; and stopped the sale of armor-piercing ammunition. In 1988, Congress prohibited the manufacture and sale of undetectable firearms, potential weapons of terrorists.

In the course of these policy decisions, Members of Congress carefully weighed the recommendations of law enforcement and the potential impact on law-abiding citizens. Clearly, the public interest and safety was served in all these areas.

What is particularly significant about passage of the undetectable firearm law is that Congress acted to prevent a problem. It is in that context we should look at the assault weapon issue. We agree with the National Rifle Association that assault weapons right now -- right now -- play a small role in overall violent crime. But when in the hands of the violent criminal, their impact is devastating. With the tremendous increase we have seen in both the importation and the domestic sale of these weapons, we feel that federal legislation is needed on both of these fronts to prevent a growing problem from getting much worse.

I believe we all agree that drugs are a cancer eating at the very fabric of America. It has become a multi-billion dollar industry which is now taking on a corporate mantle. Law enforcement reports that drug dealers are now setting up franchises outside of major cities. With the drugs comes the firepower of assault weapons -- to protect turf and escape arrest.

We commend the Bush Administration for recognizing this drug and gun connection, and suspending importation of twenty-nine specific types of semi-automatic assault weapons. We also commend Colt Industries which temporarily stopped the sale of their AR-15 semi-automatic assault weapons, and Sturm, Ruger & Co. which two weeks ago stopped shipping the folding stock version of the Ruger Mini-14, and magazines with a capacity of more than five rounds.

We welcome these actions and look forward to further action to make the ban on these deadly weapons permanent. We are very pleased, Mr. Chairman, that you have offered H.R. 1154, to permanently halt the importation of semi-automatic assault weapons. We feel that there is a need for further legislation, such as H.R. 1190, introduced by Representative Pete Stark (D-CA), which will also halt the domestic manufacture of semi-automatic assault weapons for private sale.

You have heard claims from opponents that there's just no possible way to craft a definition for assault weapons because they can't be distinguished from semi-automatic hunting rifles. I know that through the collective wisdom of law enforcement, the Administration, the Congress and responsible sportsmen's groups, there is an answer. I'd like to share with you some of my observations.

Let me first state that sporting rifles and assault weapons are two distinct classes of firearms. While semi-automatic hunting rifles are designed to be fired from the shoulder and depend upon the accuracy of a precisely aimed projectile, semi-automatic assault weapons are designed to maximize lethal effects through a rapid rate of fire. Assault weapons are designed to be spray-fired and because of their design, a shooter can maintain control of the weapon even while firing many rounds in rapid succession.

In my opinion, it is important to give the Secretary of the Treasury specific criteria for use in determining which firearms are to be deemed semi-automatic assault weapons. At the same time, I believe there should be an appeals process for manufacturers who wish to challenge a decision of a firearm designated a semi-automatic assault weapon.

Semi-automatic assault weapons were designed for military, not sporting purposes. As outlined in both H.R. 1154 and H.R. 1190, the Secretary of the Treasury should be directed to consider whether a firearm was designed for military, combat or law enforcement purposes.

I believe that other criteria outlined in H.R. 1190 are appropriate factors to be considered in making such determinations.

Consideration of whether the weapon was designed for full automatic fire is useful because such a weapon will likely, by virtue of its design characteristics, be able to accommodate a high rate of fire with limited recoil, allowing the shooter to spray many rounds without losing control of the weapon.

Consideration of whether the manufacturer has offered for sale, with that particular firearm, a large-capacity magazine will demonstrate the intended firepower of the weapon. High-capacity magazines are unnecessary for hunting or sporting purposes. In fact, federal migratory game laws limit to three, the number of rounds which can be used with a shotgun for hunting migratory birds.

Many states further restrict the number of rounds hunters may use with their semi-automatics or shotguns. For example, California limits semi-automatic shotguns to three rounds while hunting (that is, one in the chamber and no more than two in the magazine). Florida prohibits the possession of centerfire semi-automatic rifles with a magazine capacity of more than five rounds, when hunting. Georgia limits shotguns to five rounds for deer, three for all other game. Illinois limits shotguns to three rounds for all game. Michigan limits shotguns to five rounds for deer hunting. Missouri limits semi-automatic rifles to eleven rounds for deer hunting, and shotguns to three rounds for all game except deer. New York limits all semi-automatic rifles, pistols and shotguns to six rounds for all game. And Pennsylvania limits shotguns to three rounds for small game, coyotes and protected birds; and prohibits the use of semi-automatic rifles and pistols for hunting.

While opponents of legislation restricting semi-automatic assault weapons argue that such weapons only "look scary," there is a good reason why these features on assault weapons should frighten the public. Such features as silencers, folding stocks and bayonets are not cosmetic; they are in fact combat hardware. For this reason, specific types of combat hardware are listed as criteria to be considered in determining what firearms are to be classified as semi-automatic assault weapons.

In the case of a rifle or shotgun, a firearm with a folding stock sacrifices accuracy for advantages such as concealability and mobility in close combat.

In the case of a rifle or shotgun, a pistol grip facilitates firing from the hip, which allows the shooter to spray-fire the weapon. A pistol grip also helps to stabilize a firearm during rapid fire.

In the case of a rifle or shotgun, a barrel length less than 22 inches sacrifices accuracy and range for mobility in close combat. Coupled with a folding stock, a shorter barrel facilitates concealability.

In the case of a pistol, an ammunition magazine outside of the pistol grip is more the characteristic of an assault weapon than a sporting handgun.

A threaded barrel, designed to accommodate a flash suppressor, serves no useful sporting purpose. The flash suppressor allows the shooter to remain concealed when shooting at night, certainly an advantage in combat but unnecessary for hunting or sporting purposes. In addition, the flash suppressor is useful in preventing barrel climb during rapid fire, helping the shooter maintain control of the firearm.

A threaded barrel designed to accommodate a silencer is useful to assassins but has no purpose for sportsmen.

A barrel mount designed to accommodate a bayonet obviously serves no sporting purpose.

A barrel shroud is designed to cool the barrel so that the firearm can shoot many rounds in rapid succession without overheating. It also allows the shooter to grasp the barrel area, without incurring serious burns, during rapid fire.

Clearly, it is possible to distinguish between military-style weapons and those used for sport. We believe that both H.R. 1154 and H.R. 1190 accomplish this task without adversely affecting legitimate sporting interests. We hope that Congress will act expeditiously in passing this legislation.

100 Maryland Avenue, N.E.
Washington, D.C. 20002
Phone 544-7190 or 7191

**national coalition to ban handguns**

## STATEMENT OF THE NATIONAL COALITION
## TO BAN HANDGUNS
## IN SUPPORT OF H.R. 1154
## APRIL 10, 1989

On behalf of the over 30 organizations that make up the National Coalition to Ban Handguns, I want to thank the chairman and the subcommittee for the opportunity to submit a statement in support of H.R. 1154.

The goal of the Coalition is the orderly elimination of all handguns from U.S. society. N.C.B.H. seeks to ban handguns from importation, manufacture, sale, transfer, ownership, possession and use by the general American public. We support reasonable exceptions including law enforcement, military and security officers as well as target shooters who wish to keep their handguns on the premises of a secure target range.

In 1987, the Coalition added to its agenda, a ban on the importation, manufacture and sale of para-military assault weapons and their accessories to private individuals. These weapons have no legitimate sporting purpose and no legitimate hunting purpose. Their only goal is to kill many people very quickly.

Many of the doctors and trauma surgeons who are part of the Coalition are reporting that their emergency rooms are beginning to look like M.A.S.H. units on a battlefield. Bullets fired from an assault weapon pose a greater threat than handguns and other long guns because of the velocity at which the projectile moves. There is a growing frustration about the presence of assault weapons in American streets.

State legislatures, city councils, police organizations, medical and social welfare organizations are calling for swift action to stop the proliferation of these weapons in America. We fully support the intent of H.R. 1154 and commend Chairman Gibbons for his prompt and considered response.

We must hasten to add that this legislation will affect only a small portion, approximately 25%, of the assault weapons available to American firearms buyers. It is imperative that the Congress also take action to halt production and sale of domestically made para-military assault weapons.

Passage of H.R. 1154 is an important step in ridding the United States of the growing menace that assault weapons pose. We applaud the Administration's actions to freeze the importation of these assault weapons for 90 days in order to permit Congress to act on this issue.

**National Council for a Responsible Firearms Policy, Inc.**

7216 Stafford Road, Alexandria, Virginia 22307
(703) 765-2472

Statement submitted by David J. Steinberg, Executive Director, National Council for a Responsible Firearms Policy, to the Subcommittee on Trade (House Committee on Ways and Means) on proposals to curtail civilian access to semiautomatic "assault" guns
April 10, 1989

The National Council for a Responsible Firearms Policy, which pioneered the "gun control" movement in 1967, advocates strict but equitable controls on the public's accessibility to all kinds of usable firearms and the ammunition for these weapons. Neither "pro-gun" nor "anti-gun", the Council has long advocated licensing for the legal possession of all usable firearms, and holding these gun owners fully responsible and legally accountable for the safe keeping, legal use and legal transfer of every gun they own (unless its loss or theft is properly reported to the police). Opposing bans on any firearms unless such measures are fair to the legitimate interests of law-abiding gun owners, the Council is not advocating a ban on public possession of semiautomatic firearms in view of the extensive opposition to such a ban from law-abiding gun owners who use such weapons for legitimate purposes. We believe, however, that acquisition and possession of such weapons should be subject to especially strict regulation.

Stiff mandatory sentences for using guns in crime are not acceptable substitutes for stiff mandatory standards for the legal acquisition and responsible possession of guns -- all kinds of guns.

In the context of the present hearing, the Council urges (a) termination of imports and domestic production of semiautomatic firearms for civilian possession except those which the U.S. government determines to be "particularly suitable for or readily adaptable to sporting purposes" (imports criteria established in the Gun Control Act of 1968), (b) a reasonable waiting period for government background checks on persons seeking to purchase semiautomatic guns over the counter (so as to screen-out persons in the designated prohibited categories), (c) consideration of bringing such firearms within the purview of the National Firearms Act of 1934 (the machine gun registration act), (d) strict regulation of the sale of semiautomatic-rifle ammunition to the public -- aiming at curtailing the firepower of those inclined to use such weapons for criminal purposes (such regulation would necessitate a permit system for legal possession of such weapons), and (e) recognition of the fact that action of whatever kind limited solely to semiautomatic firearms neglects the clear and present danger of violence with other firearms -- an already perilous problem exemplified in recent weeks by a drug dealer's use of a shotgun to kill a police officer (and seriously wound another officer) in Alexandria, Virginia.

## STATEMENT OF HON. CHARLES B. RANGEL

THANK YOU, MR. CHAIRMAN.

THERE ONCE WAS A TIME WHEN LAW-ABIDING AMERICANS WHO DID NOT USE OR SELL ILLICIT DRUGS HAD LITTLE TO WORRY ABOUT WITH REGARD TO THE ILLICIT DRUG CRISIS. UNLESS WE INVOLVED OURSELVES DIRECTLY WITH THE PEOPLE WHO WERE A PART OF THIS DEVIOUS UNDERGROUND EXISTENCE, OR UNLESS WE ALLOWED OURSELVES TO BE AT THE WRONG PLACE AT THE WRONG TIME, THERE WAS LITTLE THREAT.

THE DRUG CULTURE WAS SOMETHING ON THE OTHER SIDE OF TOWN. THE DRUG PROBLEM WAS SOMETHING THAT INVOLVED OTHER PEOPLE'S KIDS AND FRIENDS, AND WAS FAR, FAR AWAY FROM OUR HOME, SCHOOL AND COMMUNITY.

BUT WE ALL KNOW TODAY, MR. CHAIRMAN, THAT WE COULD BE DOING SOMETHING AS INNOCENT AND AS COMMONPLACE AS SITTING IN OUR CARS AT A TRAFFIC LIGHT, WAITING FOR IT TO CHANGE TO GREEN, WHEN WE CAN BE CAUGHT UNMERCIFULLY IN A HAIL OF BULLETS THAT TWO DRUG DEALERS HAVE MARKED FOR EACH OTHER. BUT BECAUSE THERE IS A VERY GOOD CHANCE THAT THE DRUG DEALERS ARE SETTLING THEIR SCORE WITH DESTRUCTIVE, HIGH-POWERED, SEMI-AUTOMATIC WEAPONS, GOD HELP ANY OF US WHO MAY FIND OURSELVES IN THE UNFORTUNATE CIRCUMSTANCES OF SIMPLY BEING IN THE AREA.

IN THE CRUDE STREET LINGO OF THE TRIGGERMEN WHO OPERATE BEHIND THE SHADOWS OF THE ILLICIT DRUG TRADE, INNOCENT BYSTANDERS WHO HAPPEN IN THE WAY OF GUNFIRE ARE KNOWN JOKINGLY AS "MUSHROOMS." THEY ARE GIVEN THAT INSENSITIVE NICKNAME BECAUSE THEY SORT OF "POP UP" WHEN THE BATTLE IS GOING DOWN, I AM TOLD. THESE ARE THE PEOPLE I AM WORRIED ABOUT MOST, MR. CHAIRMAN.

AMERICANS ARE MORE CONCERNED, MORE FEARFUL AND MORE COGNIZANT OF THE ILLEGAL DRUG TRADE THAN EVER BEFORE, LARGELY BECAUSE OF THE DEADLY LINK BETWEEN DRUGS AND GUNS. THESE TWO PARTNERS IN CRIME HAVE BECOME AS SYNONYMOUS WITH ONE ANOTHER AS ICE CREAM AND APPLE PIE. NOT ONLY DO WE IN THE CONGRESS AND AT 1600 PENNSYLVANIA AVENUE HAVE THE RESPONSIBILITY AND THE CHALLENGE TO FIND AN ANSWER TO THE DRUG PROBLEM, BUT WE MUST FIND A WAY TO REDUCE THE DEVASTATING IMPACT THESE ILLEGALLY USED FIREARMS ARE HAVING ON OUR COMMUNITIES AND THE QUALITY OF LIFE IN AMERICA.

NUMBER ONE, WE MUST MOVE, AND QUICKLY, TO REDUCE THE IMPORTATION OF CERTAIN ASSAULT RIFLES. THE RECENT MOVE BY THE BUSH ADMINISTRATION TO IMPLEMENT A TEMPORARY BAN ON ALL SEMI-AUTOMATIC ASSAULT WEAPONS GOES A LONG WAY TOWARD SLOWING THE INFLUX OF THESE GUNS.

PRO-GUN ORGANIZATIONS WILL TELL YOU THAT THE SEMI AUTOMATIC ASSAULT RIFLES ARE TAMER, CIVILIAN VERSIONS OF FULL-POWER MILITARY WEAPONS AND ARE NOT MUCH DIFFERENT THAN THE TRADITIONAL SPORTING RIFLES WE FIND IN AMERICA TODAY.

THE TRUTH IS, THOUGH, THAT MANY OF THESE ASSAULT WEAPONS, SUCH AS THE AK-47 RIFLE, CAN BE CONVERTED TO AUTOMATICS, IN WHICH CASE THEY COULD FIRE ROUNDS CONTINUOUSLY WITH JUST ONE LONG SQUEEZE OF THE TRIGGER. EVEN WITHOUT THE AUTOMATIC CAPABILITY, THESE RIFLES GENERALLY HOLD AS MANY AS 30 OR 36 ROUNDS BEFORE HAVING TO BE RELOADED. SOME HOLD EVEN MORE THAN THAT.

NOW, MR. CHAIRMAN, YOU TELL ME. WHAT SPECIES OF ANIMAL --- EXCEPT MAYBE AN ELEPHANT, WHICH MOST PEOPLE DON'T HUNT ANYWAY --- WOULD REQUIRE 30 ROUNDS OF AMMUNITION BEFORE IT COULD BE BROUGHT DOWN? OUTSIDE OF THAT SETTING, THE ASSAULT RIFLE IS MOST USEFUL IN ACTUAL COMBAT.

AGAIN, LET'S USE THE AK-47 AS AN EXAMPLE. HERE IS A WEAPON THAT IS POWERFUL ENOUGH TO TEAR THROUGH ONE SIDE OF AN AUTOMOBILE DOOR AND OUT THE OTHER, RIPPING APART WHATEVER HUMAN FLESH IS IN THE WAY. BUT WHEN IT COMES TO HUNTING, EXPERTS SAY IT HAS ONLY MARGINAL RANGE AND ACCURACY.

SO WHY HAVE SALES OF AK-47'S INCREASED TENFOLD THE LAST FOUR YEARS, THE SAME TIME PERIOD FOR WHICH WE HAVE SEEN A MARKED INCREASE IN DRUG-RELATED VIOLENCE NATIONWIDE?

THE REASON WE ARE HERE TODAY, MR. CHAIRMAN, IS THAT IT SEEMS RECENTLY WE HAVE HAD MANY MORE CASES OF THESE SO-CALLED SPORTING RIFLES END UP IN THE HANDS OF CRIMINALS THAN IN THE HANDS OF TRUE SPORTSMEN.

THE BILL THAT YOU, MYSELF AND MANY OF OUR OTHER COLLEAGUES HAVE COSPONSORED IS A MAJOR STEP IN THE DIRECTION OF GETTING THESE PORTABLE MACHINES OF DEATH OFF THE STREET AND OUT OF THE HANDS OF THOSE WHO HAVE ILL INTENTIONS. AND THREATEN THE PUBLIC SAFETY.
MR. CHAIRMAN, THOSE WHO SUPPORT THE USE OF THESE WEAPONS AS SPORTING TOOLS ARE APPARENTLY UNAWARE OF WHAT SPORT IS BEING PLAYED WITH THEM. PEOPLE ARE ALSO UNAWARE OF THE WIDE VARIETY OF ACCESSORIES THESE WEAPONS CAN BE FITTED WITH. THAT HAVE NO SPORTING PURPOSE.

I UNDERSTAND THE SECOND AMENDMENT AND THE RIGHT TO BEAR ARMS. I UNDERSTAND THE RIGHT TO PROTECTION AND ALL OF THOSE ISSUES. I AM WELL AWARE OF THE FACT THAT JUST BECAUSE A GUN IS POWERFUL AND HAS LOTS OF FANCY FEATURES, IT DOES NOT MEAN THAT EACH AND EVERY PERSON WHO PURCHASES IT DOES SO WITH THE INTENT OF TAKING HUMAN LIVES.

BUT I ALSO UNDERSTAND THE FACT THAT WE CANNOT CONTINUE TO ALLOW HUMAN BEINGS, AND NOT ANIMALS, TO BE HUNTED DOWN WITH THESE WEAPONS. PEOPLE ARE BEING STALKED THROUGH THE STREETS AND THE NEIGHBORHOODS AND PUMPED FULL OF BULLETS LIKE PREY ON "WILD KINGDOM". IT'S ABSOLUTE OVERKILL. AND AS I HAVE MENTIONED, GOD FORBID WHAT HAPPENS TO THOSE WHO GET IN THE WAY WHEN THE TRIGGER IS PULLED ON ONE OF THESE THINGS.

LEE ARTHUR LAWRENCE SPENT FIVE YEARS FIGHTING THE WAR ON DRUGS AS A MODEL CITIZEN IN MIAMI. HE ALWAYS FACED UP TO THE TRAFFICKERS AND CONDUCTED HIS ANTI-DRUG CAMPAIGN PUBLICLY TO KEEP THEM FROM TAKING OVER THE TERRITORY WHERE HE MADE AN HONEST LIVING AS A COMMUNITY GROCER.

BUT, MR. CHAIRMAN, WHEN HE DIED A COUPLE WEEKS AGO, LEE LAWRENCE MET DEATH IN A HAIL OF GUNFIRE ESTIMATED AT SOME 30 ROUNDS. WHO KNOWS WHO ELSE MIGHT HAVE DIED HAD THEY BEEN IN THE VICINITY OF SUCH AN ATTACK? HOW MANY BULLETS DID IT TAKE TO KILL LEE LAWRENCE?

IN NEW YORK CITY, THE DRUG ENFORCEMENT ADMINISTRATION IS NOW SAYING THAT ABOUT HALF THE CRACK ARRESTS RESULT IN THE CONFISCATION OF WEAPONS. I WONDER HOW MANY OF THOSE WEAPONS ARE OF THE SEMI-AUTOMATIC VARIETY? THESE SEMI-AUTOMATICS HAVE BECOME THE WEAPON OF CHOICE FOR THE DRUG GANGS.

POLICE DEPARTMENTS ALL ACROSS AMERICA ARE SO OVERWHELMED BY THE INFLUX OF ASSAULT WEAPONS THAT THEY ARE NOW TRADING IN THEIR TRADITIONAL .38 CALIBER REVOLVERS FOR THE MORE POWERFUL VERSIONS. OUR POLICE ARE TIRED OF BEING OUTGUNNED BY THE TRAFFICKERS, MR. CHAIRMAN. NOW THAT MORE POLICE OFFICERS ARE SWITCHING OVER TO THIS MORE DANGEROUS WEAPON, THE RISK TO THE INNOCENT BYSTANDER BECOMES EVEN GREATER AS OUR LAW ENFORCEMENT OFFICERS AND THESE OUTLAWS SHOOT IT OUT ON THE STREETS IN RAPID FIRE.

A DECADE AGO MOST PEOPLE BOUGHT GUNS PURELY FOR SPORTING PURPOSES. BUT TODAY, ABOUT 5 IN EVERY 10 GUN PURCHASERS GIVES SELF-PROTECTION AS THE REASON FOR THE PURCHASE. WITH SUCH A LARGE PERCENTAGE OF GUN BUYERS MAKING THEIR PURCHASES FOR THIS REASON, I WONDER HOW MANY PRIVATE CITIZENS FEEL THAT THEY HAVE TO BUY AK-47'S AND OTHER SEMI-AUTOMATIC ASSAULT-TYPE WEAPONS JUST TO KEEP PACE WITH THE VILLAINS?

ITS NOT ALWAYS DRUGS, EITHER, THAT THESE GUNS ARE CONNECTED WITH. IT SEEMS THAT PEOPLE BENT ON MASS DESTRUCTION FIND THESE SEMI-AUTOMATIC WEAPONS VERY USEFUL. JUST LAST YEAR, WE ALL REMEMBER HOW TERROR RAINED DOWN ON A CROWD OF SCHOOL KIDS WHEN A DERANGED MAN OPENED FIRE IN A SCHOOL YARD IN STOCKTON, CALIFORNIA.

IF HE HAD BEEN USING AN ORDINARY PISTOL OR REVOLVER, INSTEAD OF A LARGE CAPACITY SEMI-AUTOMATIC, SOMEONE PROBABLY COULD HAVE GOTTEN TO HIM BEFORE HE WAS ABLE TO STRIKE DOWN DEAD FIVE CHILDREN AND LEAVE ANOTHER 30 PEOPLE INJURED AND MANY MORE PSYCHOLOGICALLY SCARRED FOR LIFE.

IN WASHINGTON, D.C., RIGHT HERE IN THE NATION'S CAPITAL, POLICE ESTIMATE THAT 7 OF EVERY 10 MURDERS ARE DRUG-RELATED. JUST ABOUT ALL INVOLVE GUNS. THE FACTS STARE US IN THE FACE. HOW CAN WE NOT BE CONCERNED ABOUT THE MASSIVE INFLUX OF DEADLY ASSAULT WEAPONS WITH SUCH AN ASTRONOMICAL MURDER RATE?

QUICK ACTION IS NECESSARY. THE DELUGE OF ASSAULT WEAPONS ARRIVING IN THIS COUNTRY THREATENS TO BECOME EVEN GREATER.

ACCORDING TO THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, SOME 110,000 APPLICATIONS ARE PENDING FOR THE IMPORTATION OF AK-47 ASSAULT WEAPONS. BETWEEN 1986 AND 1988, THERE WERE A TOTAL OF JUST 88,000 SUCH APPLICATIONS. THAT TELLS ME THAT THE POTENTIAL FOR TROUBLE IS GROWING UNLESS WE MOVE TO SOLVE THE PROBLEM NOW, MR. CHAIRMAN.

WHAT WE ARE PROPOSING IN THE LEGISLATION BEFORE HAND IS NOT ANYTHING THAT TAKES AWAY OUR CONSTITUTIONAL RIGHT TO BEAR ARMS. IT HAS ABSOLUTELY NO EFFECT ON WHETHER OR NOT YOU CAN PROVIDE ARMED PROTECTION FOR YOUR FAMILY AND YOUR HOME. IF OUR LEGISLATION PASSES, WE CAN STILL PROTECT OURSELVES AND WE CAN STILL VENTURE OUT ON HUNTING EXPEDITIONS, OR BLOW AWAY TIN CANS PERCHED ON A LEDGE.

THIS SIMPLY MAKES IT TOUGHER FOR PEOPLE TO USE THE AK-47 AND OTHER VERY DANGEROUS ASSAULT-TYPE WEAPONS THAT WOULD PUT UNINTENDED VICTIMS AT RISK WHEN THEY ARE USED.

THANK YOU.

## STATEMENT OF THE HONORABLE DICK SCHULZE

## HEARING OF THE SUBCOMMITTEE ON TRADE OF THE COMMITTEE ON WAYS & MEANS -- APRIL 10, 1989

MR. CHAIRMAN,

THIS HEARING WAS DESIGNED TO RECEIVE INFORMATION AS TO THE SUITABILITY FOR SPORT OF MILITARY-STYLE SEMIAUTOMATIC FIREARMS. AS MEMBERS OF THIS SUBCOMMITTEE KNOW, I HAVE ALWAYS SUPPORTED THE RIGHTS OF LAW-ABIDING CITIZENS TO OWN FIREARMS FOR SPORT AND SELF-PROTECTION. WHILE I QUESTION THE EFFECTIVENESS OF BANNING THE IMPORTATION OF FIREARMS AS A TOOL IN FIGHTING CRIME COMMITTED BY DRUG TRAFFICKERS, I RECOGNIZE THE IMPORTANCE OF GETTING ACCURATE INFORMATION BEFORE THIS BODY. FOR FAR TOO LONG, THE ISSUE OF "GUN CONTROL" HAS BEEN DRIVEN BY EMOTION RATHER THAN REASON, AND HEADLINES RATHER THAN EVIDENCE.

IN KEEPING WITH THE GOAL OF EVALUATING LEGISLATION ON THE BASIS OF EVIDENCE RATHER THAN EMOTION, I LOOK FORWARD TO THE INFORMATION GATHERED BY THE BUSH ADMINISTRATION AS IT EVALUATES THE LEGITIMATE USES TO WHICH MILITARY-STYLE SEMIAUTOMATIC FIREARMS ARE PUT. IN A SENSE, THE ADMINISTRATION'S ACTION IN SUSPENDING IMPORTATION OF MILITARY-STYLE SEMIAUTOMATICS PENDING THAT REVIEW HAS SERVED TO INJECT A NOTE OF CALM DELIBERATION INTO WHAT HAD BECOME A HYSTERICAL RUSH TO JUDGMENT. I URGE MY COLLEAGUES TO ACT WITH SIMILAR DELIBERATION AS THEY EVALUATE THE EVIDENCE FORTHCOMING FROM THE ADMINISTRATION. AS WE TRAIN OUR SIGHTS ON DRUG DEALERS AND OTHER CRIMINALS, WE MUST BE SURE WE HIT OUR TARGET.

**STURM, RUGER & Company, INC.**
SOUTHPORT, CONNECTICUT 06490 U.S.A.
TELEPHONE: (203) 259-7843 TWX: 710 459-3029

April 19, 1989

Mr. Robert J. Leonard
Chief Counsel
Committee on Ways & Means
U.S. House of Representative
1102 Longworth House Office Building
Washington, D.C. 20515

Re: H.R. 1154

Dear Sir:

Enclosed please find six (6) copies of a letter we recently sent to Senator Metzenbaum concerning his erroneous categorization of the Ruger Mini-14 rifle as an "assault weapon".

We commend this letter to the Committee for inclusion in the printed record of the hearing on H.R. 1154.

In accordance with your formatting requirements, we are recopying the Senator's letter to us and our reply to him onto legal-size paper.

Thank you for your cooperation.

Sincerely,

STURM, RUGER & COMPANY, INC.

Stephen L. Sanetti
General Counsel

**STURM, RUGER & Company, INC.**
SOUTHPORT, CONNECTICUT 06490 U.S.A.
TELEPHONE: (203) 259-7843 TWX: 710 459-3029

April 12, 1989

Senator Howard Metzenbaum
U.S. Senate Committee on the Judiciary
Washington, D.C. 20510-6275

Re: Semi-Automatic Rifles

Dear Senator Metzenbaum:

Your letter of March 28th arrived today. Mr. Ruger unfortunately is hospitalized, and I have been directed to reply. Please allow us to make some constructive suggestions concerning this issue and set the record straight.

The Ruger Mini-14 is not an "assault weapon". We have never sold "assault rifles" to the civilian market. Only law enforcement and government agencies have had access to our full-automatic firearms.

Sturm, Ruger has no plans to discontinue any of it's legitimate semi-automatic sporting firearms. Regardless of the actual motives of Colt in discontinuing it's AR-15 military-type semi-automatic rifle, their action is not a precedent to discontinue legitimate sporting firearms.

We have no plans to increase production, as some have alleged, in order to profit from Colt's action or the import ban on military-type semi-automatics. It is obvious that the

Colt AR-15 rifle was fully intended, and was in fact advertised, as a "military look-a-like". It is a semi-automatic only version of U.S. Army's M-16 rifle, and as such has appealed to military collectors and others wishing to obtain firearms of this type. This is not Sturm, Ruger's market.

We have manufactured over 4,000,000 semi-automatic firearms since 1949, and have offered semi-automatic hunting rifles since 1959. All our advertising and promotional material depict these guns as legitimate tools of the hunter and sportsman. This is what they were designed for. That is what the vast majority have been used for. They are not "weapons of war".

Our underlying philosophy of furnishing best quality sporting firearms to responsible sportsmen has not changed throughout our 40-year history. What has changed in recent years is the influx of imported military-type "assault rifles" and the advent of large capacity magazines on the after market as accessories to legitimate semi-automatic sporting rifles. Established domestic manufacturers of over 20,000,000 legitimate semi-automatic rifles, pistols, and shotguns, used for lawful sporting purposes since 1905, have been caught in the middle.

We note that your bill, S386, specifically mentions the Ruger Mini-14 rifle as an "assault weapon". The facts belie this assertion:

1. We have manufactured over 600,000 Mini-14 rifles since their introduction in 1974. The vast majority of these have left the factory with five round magazines. Clearly, their numbers and the length of time in which they have been used indicate their legitimacy in the American sporting market. As sold, it has a smaller capacity than a policeman's service revolver, can be fired no faster, and is far less easy to conceal.

2. The Ruger Mini-14 rifle is in fact "particularly suitable for or readily adoptable to sporting purposes" . In original form, it is an extremely popular small to medium game rifle, as even Time and Newsweek have recognized. A few years ago, we introduced a slightly larger version called the "Mini Thirty", and have promoted it as a replacement for our original .44 caliber semi-automatic deer rifle sold in large numbers since 1959. They are the preferred firearms of many hunters who require the ability to fire a few quick shots at game in wooded areas.

3. Ruger Mini-14 advertisements throughout the last 15 years have promoted it solely as a sporting firearm. Clearly, this is not some recent fabrication.

4. As you must know, semi-automatic hunting rifles are not "the weapons of choice of drug dealers". Of the 3,000 guns seized by the Washington, D.C. police last year, not one was a semi-automatic rifle.

5. On those rare instances when Ruger Mini-14 rifles have been misused in criminal acts, they are usually found to be equipped with "after market" magazines of much greater capacity, not of our manufacture. Indeed, the infamous FBI shooting of two years ago in Florida involved exactly such a device. Our instruction manuals have continually discouraged the use of after-market accessories.

6. Like other legitimate semi-automatic sporting rifles sold for many years in this country by manufacturers such as Remington, Winchester, and Browning, the Ruger Mini-14 rifle does not appear on the brand-specific "assault rifle" bill passed recently by the California General Assembly. This is completely in accord with our intended use of the product, the market in which we have advertised it, and its normal environment of use.

You are currently mired in an attempt to define "assault rifles" and trying to differentiate some semi-automatic rifles as "good" and others as "bad". Instead, why do you not simply recognize that (insofar as the inquiry has been misdirected from its' correct focus on the criminal misuse of firearms in urban drug crimes) it is firepower that is the real issue as it relates to semi-automatic firearms -- the ability to fire many shots in rapid succession without reloading.

Sturm, Ruger has no objection to limitations upon large capacity detachable magazines which can hold many cartridges. If you eliminate these, you destroy the firepower of the so-called "assault rifle", yet you respect the rights of those who peacefully use semi-automatic firearms for hunting and other lawful purposes. The problem with your current approach is that you would ban most of the 20,000,000 legitimate sporting firearms simply because they are capable of accepting larger magazines and regardless of whether the owner actually possesses one, an inversion of logic.

We urge you seriously consider the approach of limiting large capacity magazines and back that up with meaningful legislation mandating severe penalties for anyone caught in the commission of a crime using such a device.

We also request that you delete the Ruger Mini-14 semi-automatic sporting rifle from Section 3 of your bill. To do otherwise would make criminals out of over 600,000 law-abiding citizens who in some cases have owned these guns for over 15 years and have used them as intended in the peaceful enjoyment of the shooting sports. These citizens are not part of the crime problem. Driving their lawful hunting rifles underground will not aid the crime situation one bit, and indeed could have exactly the opposite effect.

The polls you cite as supporting a ban on "assault weapons" are flawed because the public has been mislead into thinking that such bans would leave legitimate sportsmen's guns alone.

In the original statement released when you introduced S.386, you stated:

> "This bill does not in any way limit the ability to purchase a legitimate hunting rifle or handgun. This bill's coverage is limited to a specific list of the most dangerous military weapons now available and to firearms with large fixed magazines... These and other exclusions in the bill ensure that firearms designed for, and specifically used for hunting, target practice, and other sports and recreational activity will not be restricted in any way by this legislation."

and in your letter to us you repeat:

> "This legislation does not affect firearms which are widely used for hunting."

Clearly, your bill would indeed have this undesired effect. We call upon you to demonstrate your sincerity by deleting the Ruger Mini-14 from the bill, and by concentrating on the magazine capacity as the best way to address the firepower issue and still respect the rights of all law-abiding citizens and sportsmen.

Very truly yours,

STURM, RUGER & COMPANY, INC.

Stephen L. Sanetti
General Counsel

SLS:sab

Enclosures

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**United States Senate**

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

March 28, 1989

APR 12 1989

Mr. William Ruger, Sr.
President and Chairman of the Board
Sturm, Ruger & Company, Inc.
Lacey Place
Southport, Connecticut 06490

Dear Mr. Ruger:

You have a rare opportunity to help the police officers of this country save lives, including their own. You can join with Colt Industries in making sure that only law enforcement and our military have access to your assault weapons.

As you know, these are the weapons of choice of drug dealers. Law enforcement officers have long been aware of the growing threat to public safety posed by assault weapons. They know only too well how many police officers and innocent bystanders have been killed by these weapons of war. The American public began to demand action when a gunman used an AK-47 to mow down children in a Stockton, California schoolyard.

By voluntarily suspending the sale of your Ruger Mini-14 assault weapon to the civilian market, you can demonstrate your corporate leadership. That is what Colt did when it announced that it suspended commercial sale of the AR-15 assault rifle. Your gesture of civic responsibility could help save lives while the Bush Administration and Congress work on a more comprehensive solution.

It is my view that with your leadership or without, the sale of assault weapons to civilians will be banned. The American people are fed up with the alarming proliferation of these weapons. Recent polls show the American people, including gun owners, overwhelmingly support a ban on assault weapons.

The Bush Administration's temporary ban on the importation of many assault weapons was a good first step, but does nothing to prevent those weapons from being manufactured here in the United States. Assault weapons have no place on the streets and in the schoolyards of America. That is why I introduced legislation that would ban the importation and new sale of a specific list of assault weapons, that have been identified by police as creating a law enforcement problem. This legislation does not affect firearms which are widely used for hunting.

I have been working with law enforcement officials, the Bush Administration and my colleagues in the Congress in an effort to reach a workable solution to this serious public safety threat. I believe this legislation will pass this year.

In the meantime you can do something to save lives; immediately suspend the sales of these weapons of war to civilians.

Sincerely,

Howard M. Metzenbaum
United States Senator

**STURM, RUGER & Company, INC.**
SOUTHPORT, CONNECTICUT 06490 U.S.A.
TELEPHONE: (203) 259-7843 TWX: 710 459-3029

March 30, 1989

The Honorable Dan Rostenkowski
U.S. House of Representatives
2111 Rayburn
Washington, DC 20515

Dear Congressman Rostenkowski:

We sincerely hope you read the enclosed information concerning semi-automatic firearms. It is particularly important that the topic be addressed in a rational manner, with respect for the rights of all concerned.

We offer these comments to you in a constructive fashion to assist you in understanding the situation.

We have had forty years of experience with the firearms market, and we believe that our technical expertise as well as our market insights can prove useful on this topic.

As a responsible industry leader, we believe we have a good deal to contribute in this matter, and we trust that you will take these comments in the spirit of cooperation and constructive dialogue with which they are intended.

STURM, RUGER & COMPANY, INC.

**STURM, RUGER & Company, Inc.**
**Southport, Connecticut 06490 U.S.A.**
ALL RUGER FIREARMS ARE DESIGNED AND MANUFACTURED IN OUR OWN FACTORIES IN THE UNITED STATES OF AMERICA.

## FACTS TO REMEMBER WHEN CONSIDERING "SEMI-AUTOMATIC" FIREARMS LEGISLATION

1. All that "semi-automatic" means is that some of the energy generated to propel a bullet is used to recock and reload the rifle for the next shot. Each shot requires a separate pull and release of the trigger.

2. Semi-automatic firearms have been in widespread use in this country since 1905. It is estimated that between 20-30 million have been made. Obviously, they have a legitimate place in the sporting rifle field and are not only used by criminals. Sturm, Ruger has manufactured over 4,000,000 semi-automatic firearms since 1949.

3. Semi-automatic firearms are legal to hunt within 48 states, as long as their magazine capacity is limited to 5 shots. .22 caliber semi-automatic rifles holding up to 20 shots have been the most popular type of small bore rifle for the last 30 years. The most popular shotguns for duck hunting have been semi-automatics for at least this long. All recognized pistol target matches have been dominated by semi-automatic pistols since before World War II.

4. True "assault rifles" are large capacity military weapons which can be switched to full automatic ("machine gun") fire by the push of a button. They have always been strictly regulated as machine guns by the Federal and State governments.

5. What are now being termed by some as "assault rifles" are actually semi-automatic only versions of the above military weapons. They are a recent phenomenon, being imported in quantity for less than 10 years. They retain the military appearance and large, protruding, high capacity magazines of their military predecessors.

6. THEREFORE, TO DEFINE "SEMI-AUTOMATIC FIREARM" AS SYNONYMOUS WITH "ASSAULT WEAPON" IS AKIN TO DEFINING ALL "HATS" AS "HELMETS", OR ALL "VEHICLES" AS "TANKS".

7. Viewed objectively, the concern today as it relates to illegal misuse of firearms should be viewed as one of firepower, rather than trying to define the type of firearm from which the bullets emanate. To do otherwise is to risk confusion and ensnaring many legitimate firearms in an attempt to separate "good" from "bad" in a most arcane area.

8. A semi-automatic firearm with a limited magazine capacity is actually not much different from a functional standpoint than manually operated firearms. Operating most rifle actions manually, whether they operate by the flick of a lever, bolt, or slide, takes about a second.

9. The best way to address the firepower concern is therefore not to try to outlaw or license many millions of older and perfectly legitimate firearms (which would be a licensing effort of staggering proportions), but to prohibit the possession of high capacity magazines.

10. As stated, most semi-automatic hunting rifles come with 5-shot magazines. Many older and collectible semi-automatic rifles (obviously little used in crime) made prior to 1954 had up to 10-shot magazines. Conventional pistols come with up to 15-shot magazines, and many .22 caliber semi-automatic rifles hold up to twenty .22 long rifle caliber cartridges. Strict regulation of magazines of greater capacities than these would respect the rights of citizens and at the same time reduce the firepower of the so-called "assault rifles" to that of ordinary rifles.

11. By a simple, complete and unequivocal ban on large capacity magazines, all the difficulty of defining "assault rifles" and "semi-automatic rifles" is eliminated. The large capacity magazine itself, separate or attached to the firearm, becomes the prohibited item. A single amendment to Federal firearms laws could prohibit their possession or sale and would effectively implement these objectives.

12. Regulating large capacity magazines seems the best way to respect the rights of everyone - the hunter, target shooter, collector, and the general public - while depriving the drug lords of their firepower. And it is precisely in an atmosphere of near panic that we must be the most vigilant to preserve the fundamental freedoms of law-abiding citizens who are not contributors to the urban drug wars in any way.

STURM, RUGER & COMPANY, INC.
Manufacturers of Firearms for the Responsible Sportsman